

Collections Information Repository (CIR)

Fedwire Download Report

Message Summary: 1310210239541

Type/ Sub-Type	Agency Account ID	Cash Flow Name	Financial Transaction Type	Settlement Date	Credit Ind	Message Amount	Trace Number
1000		OFFICE OF FINANCIAL MANAGEMENT	Collection	10/21/2013	Y	\$30,000.00	

Message Details

Tag Label	Tag Name	Element Name	Element Value
1100	MSG-DISPOSITION	FORMAT-VERSION	30
		TEST-PRODUCTION-CODE	P
		MSG-STATUS-IND	N
1110	ACCEPTANCE-TIMESTAMP	ACCEPTANCE-DATE	1021
		ACCEPTANCE-TIME	1505
		ACCEPTANCE-APPL-ID	FT03
1120	OMAD	OUTPUT-CYCLE-DATE	20131021
		OUTPUT-DESTINATION-ID	MMQFMP60
		OUTPUT-SEQUENCE-NUMBER	001224
		OUTPUT-DATE	1021
		OUTPUT-TIME	1505
		OUTPUT-FRB-APPL-ID	FT03
1510	TYPE-SUBTYPE	TYPE-CODE	10
		SUBTYPE-CODE	00
1520	IMAD	INPUT-CYCLE-DATE	20131021
		INPUT-SOURCE	GMQFMP01
		INPUT-SEQUENCE-NUMBER	
2000	AMOUNT	AMOUNT	000003000000
3100	SENDER-DI	SENDER-DI-NUMBER	
3320	SENDER-REFERENCE	SENDER-REFERENCE	
3400	RECEIVER-DI	RECEIVER-DI-NUMBER	
		RECEIVER-SHORT-NAME	TREAS NYC
3600	BUSINESS-FUNCTION	BUSINESS-FUNCTION-CODE	CTR
4200	BENEFICIARY	BENEFICIARY-ID-CODE	D
		BENEFICIARY-IDENTIFIER	68010727
		BENEFICIARY-NAME	ENVIRONMENTAL PROTECTION AGENCY
		BENEFICIARY-ADDRESS-LINE1	33 LIBERTY STREET
		BENEFICIARY-ADDRESS-LINE2	NEW YORK, NY 10045
5000	ORIGINATOR	ORIGINATOR-ID-CODE	D
		ORIGINATOR-IDENTIFIER	1019445244
		ORIGINATOR-NAME	RITCHIE ENTERPRISES INC
		ORIGINATOR-ADDRESS-LINE1	1544 WATSON RD
		ORIGINATOR-ADDRESS-LINE2	SULLIVAN MO 63080-3003
6000	ORIGINATOR-TO-BENEFICIARY-INFO	ORIGINATOR-TO-BENEFICIARY-LINE1	FEDWIRE FIELD TAG
		ORIGINATOR-TO-BENEFICIARY-LINE2	D 68010727 ENVIRONMENTAL PROTECTION
		ORIGINATOR-TO-BENEFICIARY-LINE3	AGENCY

PII

Reported Classification(s)

Key Class Name	Key Class Value	Tax Class Code	Credit Ind	Classification Total Amount
CG FEDWIRE	868010727000		Y	\$30,000.00

Region 7

Heathner's

TSCA-07-2013-0023

001: 01 \$30,000.00 001

Morey, Maria

From: U.S. EPA [usaepa@service.govdelivery.com]
Sent: Wednesday, October 23, 2013 12:21 PM
To: Morey, Maria
Subject: EPA News Release (Region 7): Ritchie Enterprises Inc., of Sullivan, Mo., to Pay \$30,000 for Failure to Use Lead Safe Work Practices and Notify Homeowners of Lead Risks

U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard, Lenexa, KS 66219

Iowa, Kansas, Missouri, Nebraska, and Nine Tribal Nations

Ritchie Enterprises Inc., of Sullivan, Mo., to Pay \$30,000 for Failure to Use Lead Safe Work Practices and Notify Homeowners of Lead Risks

Contact Information: Ben Washburn, 913-551-7364, washburn.ben@epa.gov

Environmental News

FOR IMMEDIATE RELEASE

(Lenexa, Kan., Oct. 23, 2013) - Ritchie Enterprises Inc., a Sullivan, Mo., company doing business as PuroClean Emergency Restoration Services, has agreed to pay a \$30,000 civil penalty to settle allegations that it failed to use proper lead-safe work practices during the restoration of a home built in 1891 near New Haven, Mo., in violation of the Renovation, Repair, and Painting Rule (RRP).

Federal lead-based paint regulations exempt emergency repair work in some cases, but Ritchie Enterprises continued working on the house long after the emergency had passed without complying with the RRP Rule.

According to an administrative consent agreement and final order filed by EPA Region 7 in Lenexa, Kan., Ritchie Enterprises was legally required to use proper lead-safe work practices during the renovation and provide owners and occupants of the properties with an EPA-approved lead hazard information pamphlet, known as the Renovate Right pamphlet, before starting renovations at the properties.

The Renovate Right pamphlet helps homeowners and tenants understand the risks of lead-based paint, and how best to minimize these risks to protect themselves and their families. Ritchie Enterprises did not provide this pamphlet, nor did Ritchie Enterprises maintain records of work practices for this renovation and at least two other renovations on pre-1978 homes in Mineral Point and Sullivan, Mo.

A company employee also used a high-speed belt sander without a HEPA exhaust attachment to remove lead-based paint. The use of high-speed machines to remove paint or other surface coatings is prohibited by regulations unless the machine is equipped with a HEPA attachment to collect dust and debris which may contain lead.

EPA became involved in this case a result of a complaint from the homeowner. The company was not a certified RRP contractor at the time of the work.

The RRP Rule requires that contractors that work on pre-1978 dwellings and child-occupied facilities are trained and certified to use lead-safe work practices. This ensures that common renovation and repair activities like sanding, cutting and replacing windows minimize the creation and dispersion of dangerous lead dust. EPA finalized the RRP Rule in 2008 and the rule took effect on April 22, 2010.

This enforcement action addresses RRP Rule violations that could result in harm to human health. Lead exposure can cause a range of adverse health effects, from behavioral disorders and learning disabilities to seizures and death, putting young children at the greatest risk because their nervous systems are still developing.

###

[Learn more about EPA's Renovation, Repair and Painting Program](#)

[Learn more about EPA Region 7](#)

View all [Region 7 news releases](#)

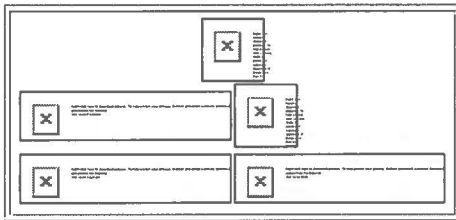
Locate this and other Region 7 news items on the [News Where You Live](#) interactive map

Connect with EPA Region 7 on Facebook: www.facebook.com/eparegion7

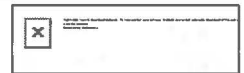


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This service is provided to you at no charge by the [U.S. Environmental Protection Agency](#).



This email was sent to morey.maria@epa.gov using GovDelivery, on behalf of: U.S. Environmental Protection Agency · 1200 Pennsylvania Avenue NW · Washington DC 20460 · 202-564-4355





PuroCleanTM
The Paramedics of Property Damage®

PuroClean Emergency Restoration Services

October 21, 2013

Raymond C. Bosch, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency
11201 Renner Blvd.
Lexena, KS 66219

RE: Ritchie Enterprises, Inc – Docket # TSCA-07-2013-0023

Mr. Bosch:

This letter is to notify you that a wire transfer in the amount of \$30,000.00 was made on October 21, 2013 pertaining to docket # TSCA-07-2013-0023. I have enclosed a copy of the wire transfer for your records.

Joe Ritchie
President

Encl



BANK OF

PII

Your wire request for \$30,000.00 will be debited from account [REDACTED]

*** WIRE DETAILS ***

Wire Sequence

Business Code / Wire Type
CTR-Customer Transfer
1000 Basic Funds Transfer

Originator Information

Originator
RITCHIE ENTERPRISES INC
1514 WATSON RD
SULLIVAN MO 63080-3003
United States

Originator To Beneficiary

Fedwire Field Tag [REDACTED]
D 68010727 Environmental Protection
Agency

Entered Date

Effective Date
10/21/13

Receiving Financial Institution
TREAS NYC

Beneficiary Information

Beneficiary
Environmental Protection Agency
D 68010727
33 Liberty Street
New York, NY 10045
United States

COPY

SIGNATURE

DATE 10/21/13

Docket No. TSCA-07-2013-0023

THE MASSEY LAW FIRM, LLC

TWO CITYPLACE DRIVE, SUITE 200
ST. LOUIS, MISSOURI 63141
314.812.4888 (O) 314.550.2589 (C) 314.812.2505 (F)
WWW.THEMASSEYLAWFIRM.COM

PII

September 18, 2013

Mr. Raymond C. Bosch
U.S. Environmental Protection Agency
11201 Renner Boulevard
Lenexa, KS 66219

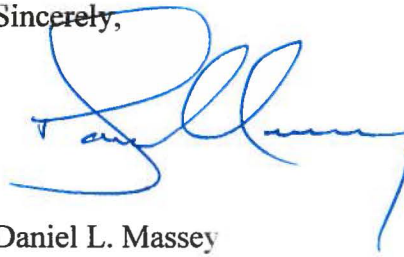
Re: In the Matter of Ritchie Enterprises, Inc. d/b/a Puroclean Emergency Restoration
Services CAFO; Docket No. TSCA-07-2013-0023

Dear Mr. Bosch:

I have enclosed with this letter a signed Consent Agreement and Final Order ("CAFO") in the above-referenced matter. It is my understanding that you will see that the CAFO is executed by U.S. EPA representatives and entered by the Regional Judicial Officer.

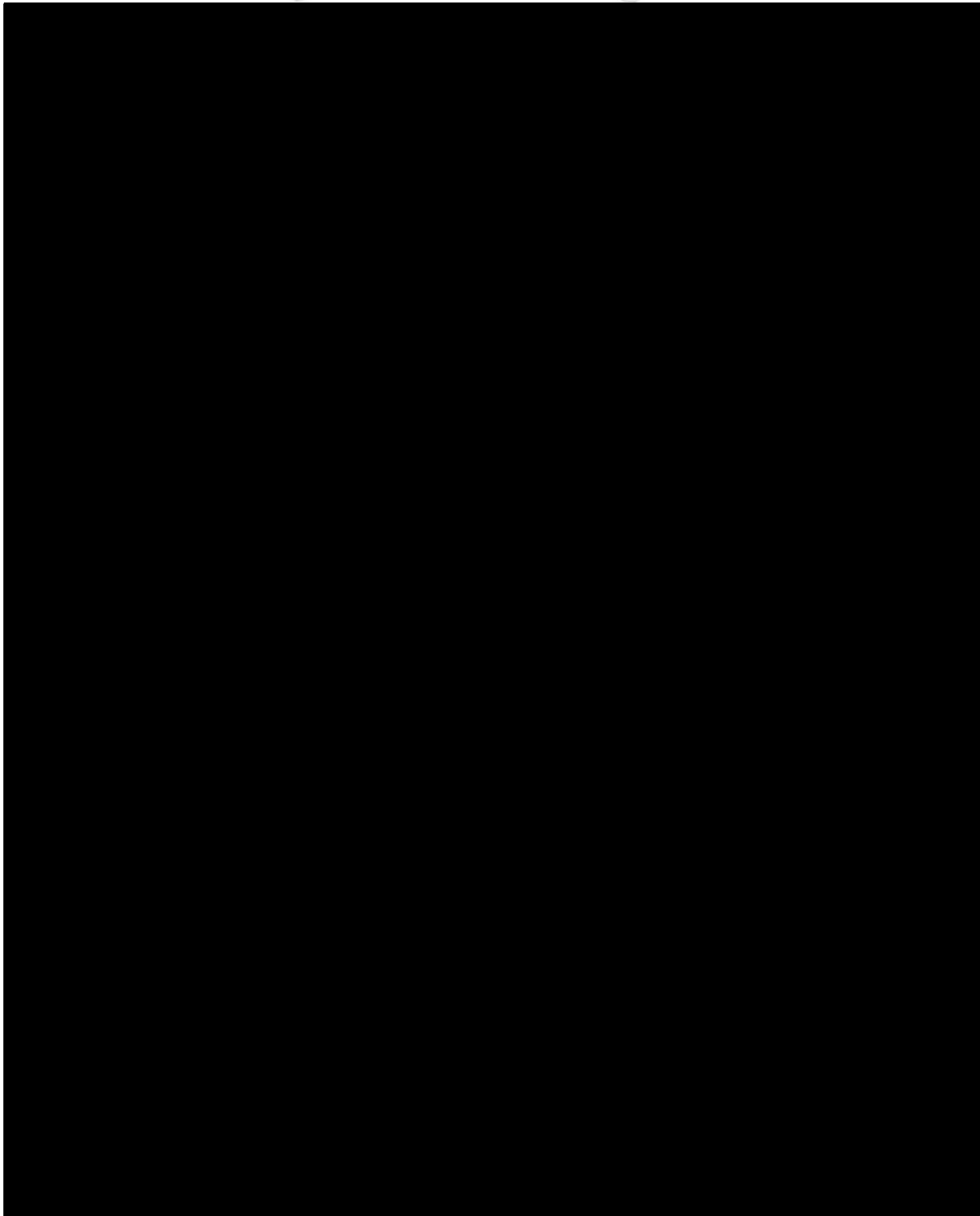
I would appreciate it if someone with EPA would send me a final, fully-executed copy of the CAFO for my files after it is entered. If you should have any questions, please contact me by phone at 314.812.4888 (office) or [REDACTED] (cellular).

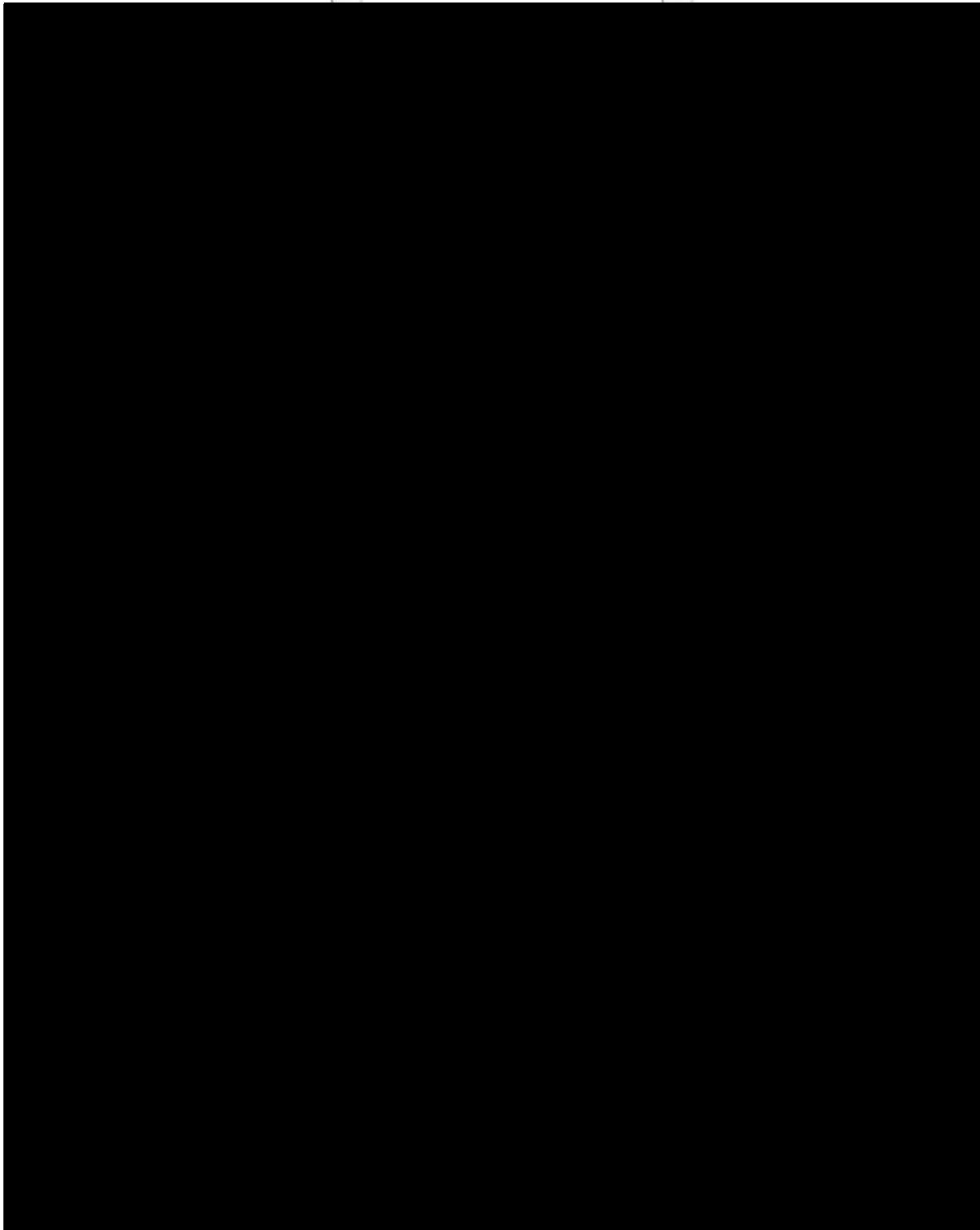
Sincerely,

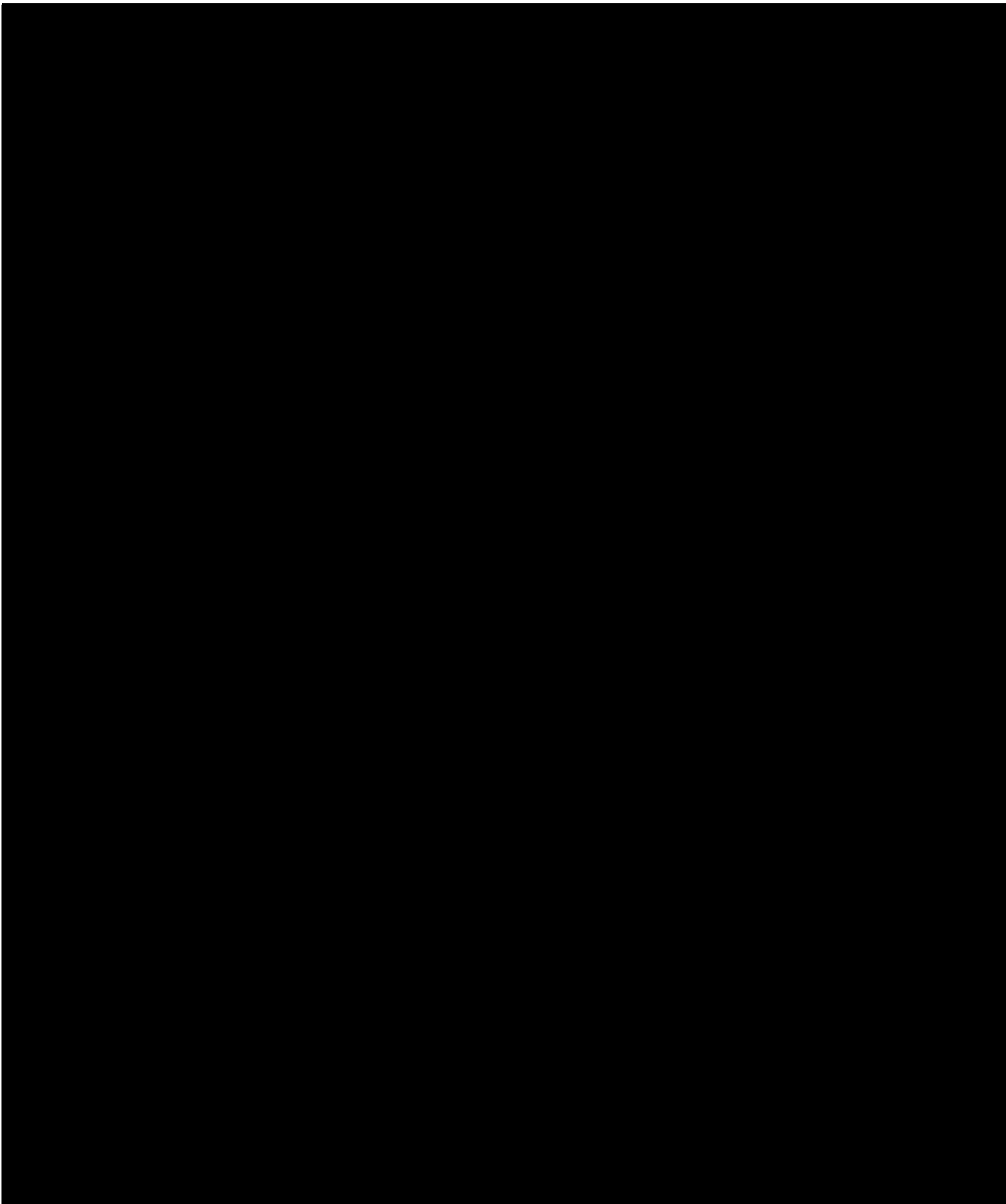


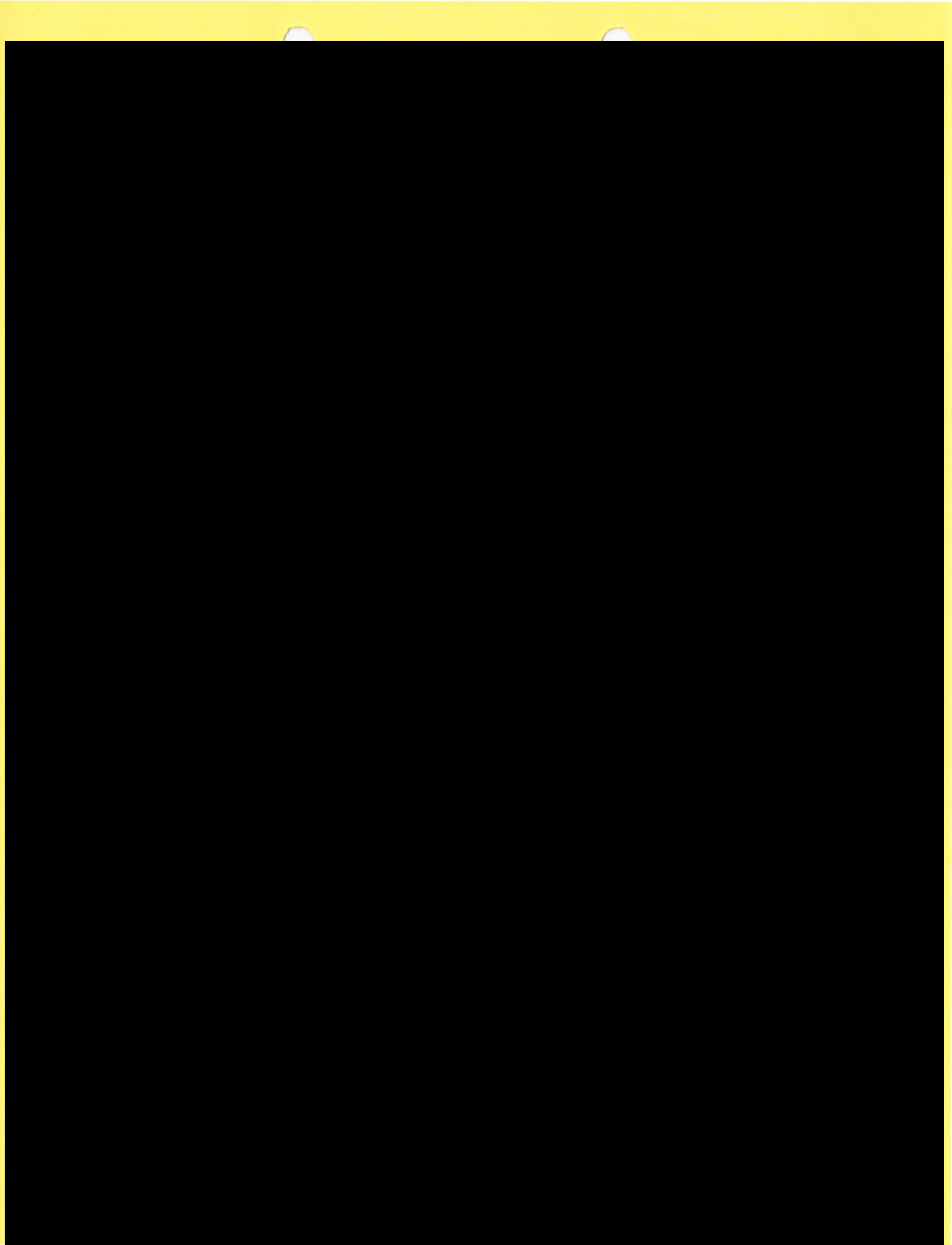
Daniel L. Massey
THE MASSEY LAW FIRM, LLC

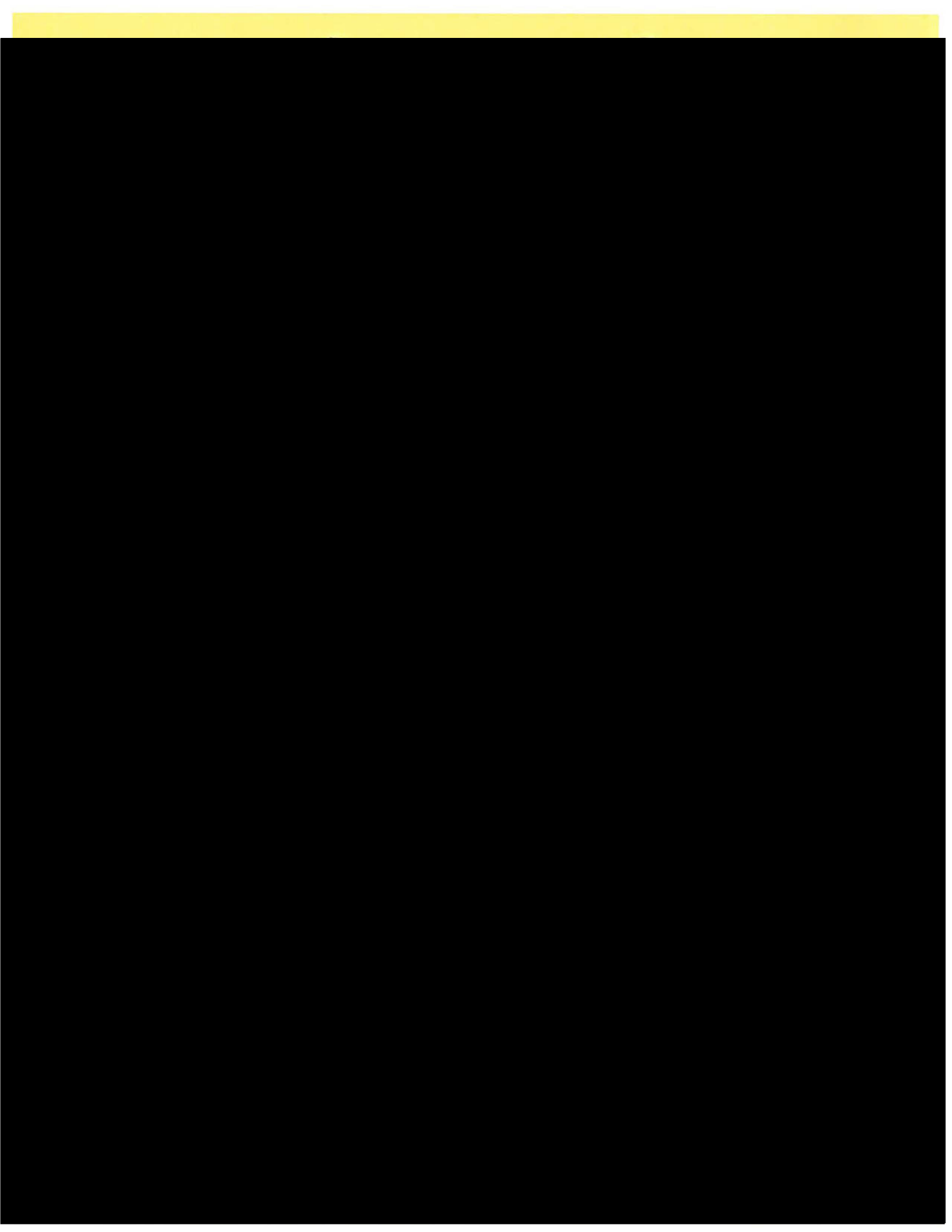
Enclosure











U. S. ENVIRONMENTAL PROTECTION AGENCY 2013 SEP 25 AM 9: 47
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

BEFORE THE ADMINISTRATOR

In the Matter of:

Ritchie Enterprises, Inc.
d/b/a Puroclean Emergency
Restoration Services
1514 Watson Road
Sullivan, MO 63080

Respondent

)
)
) Docket No. TSCA-07-2013-0023
)
)
)
)
)
)
)

CONSENT AGREEMENT AND FINAL ORDER

The U.S. Environmental Protection Agency (EPA), Region 7 and Ritchie Enterprises, Inc. d/b/a Puroclean Emergency Restoration Services (Respondent) have agreed to a settlement of this action before filing of a Complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Renovation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

Section I
Jurisdiction

1. This proceeding is an administrative action for the assessment of civil penalties instituted pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2615(a).
2. This Consent Agreement and Final Order (CAFO) serves as notice that EPA has

reason to believe that Respondent has violated Section 409 of TSCA, 15 U.S.C. § 2689, by failing to comply with the lead-based paint renovation requirements of 40 C.F.R. Part 745, Subpart E (Renovation Repair and Painting Rule a/k/a "RRP" Rule), which were authorized for promulgation by Sections 402, 406 and 407 of TSCA, 15 U.S.C. §§ 2682, 2686 and 2687.

Section II

Parties

3. The Complainant, by delegation from the Administrator of EPA and the Regional Administrator, EPA Region 7, is the Chief of the Toxics and Pesticides Branch, EPA, Region 7.

4. The Respondent, Ritchie Enterprises, Inc. d/b/a Puroclean Emergency Restoration Services, is a corporation in good standing under the laws of the state of Missouri and is authorized to do business in the state of Missouri. The Respondent meets the definition of a "Firm" and of a "Person", as those terms are set forth in 40 C.F.R. § 745.83.

Section III

Statutory and Regulatory Background

5. Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992 (the Act), 42 U.S.C. §§ 4851 to 4856, to address the need to control exposure to lead-based paint hazards. The Act amended TSCA by adding *Title IV - Lead Exposure Reduction*, TSCA Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692.

6. 15 U.S.C. § 2681(17) defines *target housing* to mean any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six (6) years of age resides or is expected to reside in such housing) or any zero-bedroom dwelling.

7. Section 402 of TSCA, 15 U.S.C. § 2682, requires that the Administrator of EPA promulgate regulations regarding the activities, training and certification of individuals and

contractors engaged in lead-based paint activities, including renovation of residences built prior to 1978, and regulations for the certification of such individuals and contractors.

8. EPA has promulgated regulations regarding lead-based paint activities, including renovation of residences built prior to 1978, and regulations for the certification of individuals and firms who are involved in these activities. These regulations are found within 40 C.F.R. Part 745, Subpart E (RRP Rule), and were promulgated pursuant to Section 402 of TSCA, 15 U.S.C. § 2682.

9. Section 406 of TSCA, 15 U.S.C. § 2686, requires that the Administrator of EPA promulgate regulations to require each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

10. EPA has promulgated regulations requiring each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation. These regulations are found within 40 C.F.R. Part 745, Subpart E (RRP Rule), and were promulgated pursuant to Section 406 of TSCA, 15 U.S.C. § 2686.

11. Section 407 of TSCA, 15 U.S.C. § 2687, requires that the Administrator of EPA promulgate regulations with recordkeeping and reporting requirements necessary to insure the effective implementation of TSCA Title IV, TSCA Sections 401 to 412, 15 U.S.C. §§ 2681 to 2692.

12. EPA has promulgated regulations requiring each person who performs for compensation a renovation of target housing to retain all records necessary to demonstrate compliance with the RRP for 3 years following completion of the renovation activity. These

regulations are found within 40 C.F.R. Part 745.86, and were promulgated pursuant to Section 407 of TSCA, 15 U.S.C. § 2687.

13. 40 C.F.R. § 745.83 defines *renovation* to mean the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an “abatement” as defined by 40 C.F.R. § 745.223. The term renovation includes (but is not limited to): the removal, modification or repair of painted surfaces or painted components (e.g., modification of painted doors, surface restoration, window repair, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of building components (e.g., walls, ceilings, plumbing, windows); weatherization projects (e.g., cutting holes in painted surfaces to install blown-in insulation or to gain access to attics, planing thresholds to install weather stripping), and interim controls that disturb painted surfaces.

14. 40 C.F.R. § 745.89 sets forth the regulations for certification of firms that perform renovations for compensation. These regulations, promulgated pursuant to section 402 of TSCA, 15 U.S.C. § 2682, require that firms that perform renovations for compensation must apply to EPA for certification in order to perform renovations or dust sampling.

15. 40 C.F.R. § 745.84(a)(1) sets forth the regulations for information distribution requirements. These regulations require that no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the firm performing the renovation must provide the owner of the unit with the EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* developed under section 406(a) of TSCA, 15 U.S.C. § 2686.

16. 40 C.F.R. § 745.85 sets forth the regulations for “Work Practice Standards” that must be followed by firms performing renovations on *target housing*. These regulations were promulgated pursuant to section 406(a) of TSCA, 15 U.S.C. § 2686. Among these “Work Practice Standards” is 40 C.F.R. § 745.85(a)(3)(ii), which prohibits the use of machines designed to remove paint or other surface coatings through high speed operation such as sanding, grinding, power planing, needle gun, abrasive blasting, or sandblasting on painted surfaces unless such machines have shrouds or containment systems and are equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation.

17. Failure to comply with any provision of 40 C.F.R. Part 745, Subpart E (RRP Rule) violates Section of TSCA, 15 U.S.C. § 2689, which may subject the violator to administrative penalties under Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and 40 C.F.R. § 745.87(d).

18. Section 16(a) of TSCA, 42 U.S.C. § 2615, and 40 C.F.R. § 745.87(d), authorize the EPA Administrator to assess a civil penalty of up to \$25,000 for each violation of Section 409 of TSCA. Each day that such a violation continues constitutes a separate violation of Section 15 of TSCA, 15 U.S.C. § 2614. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and its implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$37,500 for violations that occurred after January 12, 2009.

Section IV **General Factual Allegations**

19. Respondent is and at all times referred to herein was a “person” and a “firm” within the meaning of 40 C.F.R. § 745.83.

20. On December 15, 2011, representatives of EPA Region 7 conducted an inspection concerning renovations for compensation that were performed by Respondent at 4264 Hwy KK,

New Haven, Missouri; 802 Commercial, Mineral Point, Missouri; and 258 Donald, Sullivan, Missouri. This inspection was carried out pursuant to its authority under Section 11 of TSCA, 15 U.S.C. § 2610. These buildings are all residential housing units that meet the definition of *target housing* under 15 U.S.C. § 2681(17).

21. During the EPA inspection of and EPA's ensuing investigation concerning the renovation at property located at 4264 Hwy KK, New Haven, Missouri, EPA representatives discovered that Respondent engaged in renovation of the residence for compensation from February 28, 2011 to April 21, 2011. In the course of its renovation of this building, the Respondent did as follows:

(a) Respondent failed to apply to EPA for certification in order to perform renovations or dust sampling in violation of 40 C.F.R. § 745.89.

(b) Respondent failed to provide the owner of the unit with the EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* developed under section 406(a) of TSCA, 15 U.S.C. § 2686, in violation of 40 C.F.R. § 745.84(a)(1).

(c) Respondent used a machine designed to remove paint or other surface coatings through high speed sanding without shrouds or containment systems, and which was not equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation, in violation of 40 C.F.R. § 745.85(a)(3)(ii).

(d) After the renovation was complete, Respondent failed to retain all records necessary to demonstrate compliance with the RRP for 3 years following completion of the renovation activity, in violation of 40 C.F.R. § 745.86.

22. During the EPA inspection and investigation concerning the renovation at

property located at 802 Commercial, Mineral Point, Missouri, EPA representatives discovered that Respondent engaged in renovation of the residence for compensation from November 17-30, 2011. After the renovation was complete, Respondent failed to retain all records necessary to demonstrate compliance with the RRP for 3 years following completion of the renovation activity, in violation of 40 C.F.R. § 745.86.

23. During the EPA inspection and investigation concerning the renovation at property located at 258 Donald, Sullivan, Missouri, EPA representatives discovered that Respondent engaged in renovation of the residence for compensation from May 25-31, 2011. After the renovation was complete, Respondent failed to retain all records necessary to demonstrate compliance with the RRP for 3 years following completion of the renovation activity, in violation of 40 C.F.R. § 745.86.

Section V **Violations**

The Complainant hereby states and alleges that Respondent has violated TSCA and federal regulations promulgated thereunder, as follows:

Count I

24. Concerning the renovation at property located at 4264 Hwy KK, New Haven, Missouri, that took place from February 28, 2011 to April 21, 2011, Respondent failed to apply to EPA for certification in order to perform renovations or dust sampling in violation of 40 C.F.R. § 745.89.

25. Respondent's failure to perform this act indicated above is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count II

26. Concerning the renovation at property located at 4264 Hwy KK, New Haven, Missouri, that took place from February 28, 2011 to April 21, 2011, Respondent failed to provide the owner of the unit with the EPA pamphlet titled *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers and Schools* developed under section 406(a) of TSCA, 15 U.S.C. § 2686, in violation of 40 C.F.R. § 745.84(a)(1).

27. Respondent's failure to perform the act indicated above is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count III

28. Concerning the renovation at property located at 4264 Hwy KK, New Haven, Missouri, that took place from February 28, 2011 to April 21, 2011, Respondent used a machine designed to remove paint or other surface coatings through high speed sanding without shrouds or containment systems, and which was not equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation, in violation of 40 C.F.R. § 745.85(a)(3)(ii).

29. Respondent's action indicated above is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count IV

30. Concerning the renovation at property located at 4264 Hwy KK, New Haven, Missouri, that took place from February 28, 2011 to April 21, 2011, after the renovation was complete, Respondent failed to retain all records necessary to demonstrate compliance with the RRP for 3 years following completion of the renovation activity, in violation of 40 C.F.R. §

745.86.

31. Respondent's failure to perform the acts indicated above are in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count V

32. Concerning the renovation that took place at 802 Commercial, Mineral Point, Missouri from November 17-30, 2011, after the renovation was complete, Respondent failed to retain all records necessary to demonstrate compliance with the RRP for 3 years following completion of the renovation activity, in violation of 40 C.F.R. § 745.86.

33. Respondent's failure to perform the action indicated above is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Count VI

34. Concerning the renovation that took place at 258 Donald, Sullivan, Missouri, from May 25-31, 2011, after the renovation was complete, Respondent failed to retain all records necessary to demonstrate compliance with the RRP for 3 years following completion of the renovation activity, in violation of 40 C.F.R. § 745.86.

35. Respondent's failure to perform the action indicated above is in violation of Section 409 of TSCA, 15 U.S.C. § 2689, and thus Respondent is subject to civil penalties under Section 16 of TSCA, 15 U.S.C. § 2615.

Section VI
Consent Agreement

36. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth above.

37. Respondent neither admits nor denies the factual allegations set forth above.

38. Respondent waives its right to contest any issue of fact or law set forth above and its right to appeal the Final Order accompanying this Consent Agreement.

39. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees.

40. Respondent certifies by the signing of this Consent Agreement and Final Order that it is presently in compliance with all requirements of 40 C.F.R. Part 745. Respondent agrees that the effect of this settlement is conditioned upon the accuracy of this representation of Respondent to EPA.

41. Respondent consents to the issuance of the Final Order hereinafter recited and consents to the payment of a civil penalty, as specified in the Final Order.

42. Payment of the civil penalty as set forth in the Final Order shall resolve all civil and administrative claims for all violations of Section 409 of TSCA, 15 U.S.C. 2689 and 40 C.F.R. Part 745 alleged in this document.

43. Respondent understands that his failure to timely pay any portion of the civil penalty described in Paragraph 1 of the Final Order of this Consent Agreement and Final Order may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil or stipulated

penalty and any accrued interest are paid in full. A late payment handling charge of \$15 will be imposed after thirty (30) days and an additional \$15 will be charge for each subsequent thirty (30) day period. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

Section VII
Final Order

Pursuant to the provisions of the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601-2692, and based upon the information set forth in the Consent Agreement accompanying this Final Order, **IT IS HEREBY ORDERED THAT:**

1. Within 60 days from the effective date of this CAFO, Respondent shall pay a civil penalty of Thirty Thousand Dollars (\$30,000). The payment shall be made at the address below. The payment shall identify Respondent by name and docket number and shall be by certified or cashier's check made payable to the "United States Treasury" and sent to:

U. S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Wire transfers should be directed to the Federal Reserve Bank of New York:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read
"D 68010727 Environmental Protection Agency"

2. A copy of the check or other information confirming payment shall
simultaneously be sent to the following:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219;

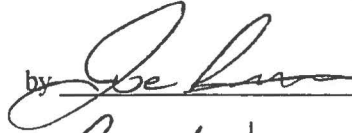
and

Raymond C. Bosch, Attorney
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

3. Respondent and Complainant shall each bear their own costs and attorneys' fees
incurred as a result of this matter.

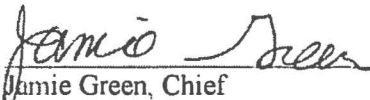
**RESPONDENT
RITCHIE ENTERPRISES, INC.**

Date: Sept. 13, 2013

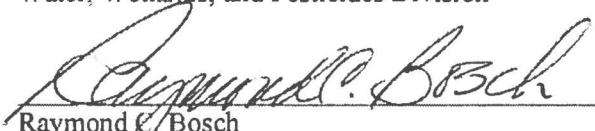
by 
President
TITLE

COMPLAINANT
U. S. ENVIRONMENTAL PROTECTION AGENCY

Date: 9/23/2013

By: 
Jamie Green, Chief
Toxics and Pesticides Branch
Water, Wetlands, and Pesticides Division

Date: 9/20/2013

By: 
Raymond C. Bosch
Attorney Advisor
Office of Regional Counsel

IT IS SO ORDERED. This Order shall become effective immediately.

Date: 9-25-13

Karina Borromeo
KARINA BORROMEO
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 7

IN THE MATTER OF Ritchie Enterprises, Inc. D/b/a Puroclean Emergency Restoration
Services, Respondent
Docket No. TSCA-07-2013-0023

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

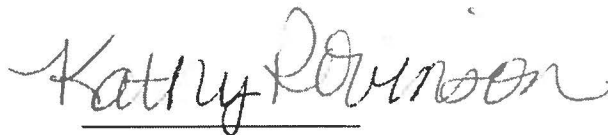
Copy by email to Attorney for Complainant:

bosch.raymond@epa.gov

Copy by First Class Mail to Respondent:

Daniel L. Massey, Esq.
The Massey Law Firm, LLC
Two CityPlace Drive, Suite 200
St. Louis, Missouri 64141

Dated: 9/25/13

A handwritten signature in cursive script that reads "Kathy Robinson". The signature is written in dark ink and is positioned above a horizontal line.

Kathy Robinson
Hearing Clerk, Region 7

THE MASSEY LAW FIRM, LLC

TWO CITYPLACE DRIVE, SUITE 200
ST. LOUIS, MISSOURI 63141
314.812.4888 (O) 314.550.2589 (C) 314.812.2505 (F)
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June 28, 2013

Via U.S. and Electronic Mail

Mr. Raymond C. Bosch
U.S. Environmental Protection Agency
11201 Renner Boulevard
Lenexa, KS 66219

Re: Ritchie Enterprises, Inc. d/b/a Puroclean Emergency Restoration Services –
Action No./Facility ID #: 2600045263; Response to U.S. EPA's 6/11/13 Pre-
Filing Negotiation Letter

Dear Mr. Bosch:

I am writing to you on behalf of Ritchie Enterprises, Inc. d/b/a Puroclean Emergency Services (hereinafter, "Puroclean") in the above-referenced matter: Action No./Facility ID # 2600045263. I have reviewed the pre-filing negotiation letter you sent to Puroclean, as well as EPA's inspection report and other associated documents pertaining to this matter. This letter is written for settlement negotiation purposes and its contents shall not be admissible as evidence against Puroclean in any trial or administrative hearing.

It is my understanding from the penalty calculation chart that you e-mailed to me on June 20, 2013 that the U.S. EPA is currently seeking an eighty-three thousand and eighty dollar (\$83,080) civil monetary penalty for the alleged violations at issue. The penalty calculation e-mail also mentioned that EPA would be willing to reduce this amount by thirty percent (30%) for cooperation, thereby reducing the penalty to approximately fifty-eight thousand dollars (\$58,000).

The EPA's current penalty demand (both the original amount and when reduced by 30% for cooperation) is excessive considering the nature, circumstance, and extent of the alleged

violations. Puroclean's degree of culpability, history of environmental compliance and compliant attitude also weigh in favor of a significantly reduced civil penalty. Furthermore, Puroclean's small size and relatively modest sales and income figures also warrant a substantial reduction in the EPA's penalty demand.

In addition, Puroclean is an emergency renovator and was performing necessary emergency renovations at the properties at issue in this enforcement action. Puroclean is therefore entitled to the "emergency renovation" defense pursuant to 40 C.F.R. § 745.82(b), which should bear on the penalty determination. The proposed penalty also appears excessive when compared to penalties imposed by U.S. EPA in similar RRP rule enforcement actions and on companies alleged to have committed similar violations. This also suggests that a very significant reduction in EPA's initial penalty demand is reasonable and necessary. PII

1. The proposed penalty is excessive considering the nature, circumstance, and extent of the violations.

The June 11, 2013 pre-filing negotiation letter to Puroclean sets forth six (6) regulatory violations alleged to have occurred during 2011 at the following three (3) subject properties: (1) [REDACTED], New Haven, MO 63068, (2) [REDACTED], Mineral Point, MO 63660, and (3) [REDACTED], Sullivan, MO 63080. The EPA's penalty calculation chart assesses penalty amounts for each violation alleged to have occurred at each subject property.

It is my understanding that the majority of the penalties EPA is seeking relate to three (3) alleged violations at the [REDACTED] KK, New Haven, MO property. Specifically, the following violations from the New Haven property carry the largest penalty figures

EPA's Characterization of the 3 Most Severe Alleged Violations at New Haven

Violation	Extent	Circumstance	Gravity-Based Penalty
Failure to obtain initial firm certification from EPA, in violation of 40 C.F.R. § 745.89(a)	Major	Level 3a	\$22,500
Failure to provide the owner with EPA-approved lead hazard information pamphlet, in violation of 40 C.F.R. § 745.84(a)(1)	Major	Level 1b	\$16,000
Failure to prohibit the use of machines that remove lead-based paint through high speed operation such as sanding, unless such machines are used with HEPA exhaust control, in violation of 40 C.F.R. § 745.85(a)(3)(ii)	Major	Level 1a	\$37,500

First, and as explained in more detail below, it appears that the work at issue was performed to respond to sudden and unexpected events and falls within the regulations' "emergency renovation" exception found at 40 C.F.R. § 745.82(b). In addition, RRP Rule requirements, by the EPA's own admission, are primarily designed to assist in reducing lead exposure to young children and pregnant women. It appears that the renovations at the New Haven property were conducted at a time when no children, pregnant women, or anyone else for that matter (other than personnel performing the emergency work) were present. While it appears that children did reside at the New Haven property before the fire necessitating the emergency work and prior to the emergency renovations, they were not present when the work at issue was taking place or immediately following completion of said work. During this time, it appears that the family was living elsewhere and the home was uninhabitable.

It is reasonable to conclude that no children or pregnant women – or anyone else for that matter – were exposed to lead stemming from the work at issue. While violations of EPA regulations are alleged to have occurred, there is no evidence to suggest that anyone received a dose of lead or was even exposed to any lead-containing materials at the site. This is because (1) the owners/occupants were not present while the work was being performed, and (2) surfaces were cleaned and HEPA vacuumed multiple times following work activity.

In light of this, the current characterization of the extent and circumstance seems overly heavy-handed and excessive, and not in accord with the facts. Accordingly, Puroclean respectfully requests that the above-referenced three (3) New Haven violations be re-classified as follows:

Puroclean's Proposed Characterization of the 3 Most Severe Alleged Violations at New Haven

Violation	Extent	Circumstance	Gravity-Based Penalty
Failure to obtain initial firm certification from EPA, in violation of 40 C.F.R. § 745.89(a)	Minor	Level 3a	\$4,500 (Difference of \$18,000 from EPA's proposed penalty)
Failure to provide the owner with EPA-approved lead hazard information pamphlet, in violation of 40 C.F.R. § 745.84(a)(1)	Minor	Level 1b	\$2,840 (Difference of \$13,160 from EPA's proposed penalty)
Failure to prohibit the use of machines that remove lead-based paint through high speed operation such as sanding, unless such machines are used with HEPA exhaust control, in violation of 40 C.F.R. § 745.85(a)(3)(ii)	Minor	Level 1a	\$7,500 (Difference of \$30,000 from EPA's proposed penalty)

Regarding the other violations relating to retention of records, Puroclean proposes a similar re-characterization: amending the alleged records violations to a minor/level 6b violation level, for which a penalty of \$600 per alleged violation would be imposed (for a total reduction of \$6,280 from EPA's proposed penalty).

The EPA's penalty matrices provide a wide-variety of possible options here. Even if EPA does not agree with the foregoing and believes that some other characterization is more appropriate, the additional facts, considerations and arguments laid out herein should serve as a basis for substantial reduction of the EPA's calculated penalty.

2. The proposed penalty is excessive considering Puroclean's degree of culpability, history of environmental compliance, and the company's positive attitude and good-faith efforts to remedy alleged violations and comply with the law and regulations.

Puroclean did not knowingly or intentionally commit the alleged violations at issue and has endeavored to cooperate with the EPA at all stages of this matter. Just as the alleged violations at issue were not knowing or willful, they were also not committed for the purpose of increasing profit margins or garnering any type of financial benefit. The alleged violations were primarily due to Puroclean's misunderstanding of existing regulations. While the company acknowledges that this alone should not entirely excuse its alleged failures, it should serve as a basis for reduction of the EPA's penalty demand.

Although Puroclean is aggressively advocating for a significantly lower civil penalty than the one currently proposed, Puroclean's actions should not be viewed by EPA as a failure to understand the seriousness of the allegations against the company or as evidence that the company is not committed to full compliance with all environmental laws and regulations. In fact, one of the primary reasons Puroclean retained counsel in this matter was to assist the company in achieving a better understanding of the lengthy and complicated regulations at issue,

even though such assistance may cost the company relatively significant sums of money. In addition, Puroclean's record of environmental compliance over the company's history should also evidence Puroclean's commitment to full compliance with the law and responsible work practices.

Although Puroclean has been cited for a number of alleged violations, EPA's own documents reference Puroclean's willingness to cooperate with EPA contractors/staff and comply with EPA's instructions and requests. Puroclean's willingness to engage and participate in pre-hearing negotiations with EPA is also evidence of Puroclean's positive attitude, reasonableness and good-faith. Accordingly, Puroclean requests that its positive attitude and cooperation be taken into consideration as a means of reducing the EPA's current penalty figure by thirty percent (30%), as set forth in EPA's enforcement response and penalty policy.

3. The proposed penalty is excessive in light of Puroclean's small size and when compared to the company's sales and income figures over the last three years.

Puroclean is a very small, privately-held corporation with several full-time employees. Puroclean's small size should be considered as a basis for a dramatic reduction of the proposed civil penalty. Furthermore, Puroclean may be eligible for further reduction under the EPA's Policy of Compliance Initiatives for Small Business. Puroclean requests that EPA consider this policy as a basis for additional reduction of the proposed penalty.

Puroclean does not have the financial wherewithal to pay a penalty as large as the one EPA is currently demanding. The company simply does not have sufficient cash reserves or enough liquidity to pay the proposed penalty amount (or the proposed amount less the 30% reduction for cooperation).

Ritchie Enterprises, Inc.'s Form 1120 tax information shows the following figures for 2010 through 2012:

	2010	2011	2012	2010-12 Average
Gross receipts or sales	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Cost of goods sold	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Gross profit	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Total income	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Total deductions	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Ordinary business income (loss)	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

As you can see from the table, the EPA's proposed civil penalty represents a significant portion of Puroclean's average gross profit and total income for 2010 through 2012. In fact, the proposed civil penalty greatly exceeds Puroclean's yearly ordinary business income for 2010 [REDACTED] 2011 [REDACTED] and 2012, and also exceeds Puroclean's cumulative ordinary business income for the [REDACTED].

Puroclean simply does not have the financial wherewithal to come up with funds to pay a penalty as large as the one EPA is currently seeking. Even a penalty in the fifty thousand dollar (\$50,000) range (as the EPA has currently proposed based on a thirty percent (30%) reduction for cooperation) and paid over two (2) or three (3) years would devastate Puroclean's finances, prevent the company from meeting existing financial obligations, and seriously jeopardize the company's future. A significantly smaller civil penalty could still achieve the desired effect of fairly penalizing the alleged violations, deterring repeat violations, and maintaining consistency and fairness in EPA enforcement.

EPA policy dictates that the goal of its civil monetary penalties is generally not to drive companies out of business or into bankruptcy, unless the company is deemed an environmental "bad actor" with a history of serious environmental compliance issues. Puroclean does not fit the

“bad actor” profile. Because of this, imposition of a penalty large enough to drive the company out of business, or imposition of one with the potential to do so, is not warranted and would be unreasonable.

4. Puroclean is an emergency renovator and was performing necessary emergency renovations at the properties at issue in this enforcement action. Puroclean is therefore entitled to the “emergency renovation” defense pursuant to 40 C.F.R. § 745.82(b).

Puroclean specializes in emergency restoration services. The company gets the majority of its business from insurance companies following losses at and/or damage to the properties of policy holders. In fact, EPA’s own record keeping report recognizes this (in the record keeping report’s “type of business” section), stating that Puroclean specializes in “[e]mergency restoration services.” The lead-based paint RRP regulation’s emergency renovation provision, found at 40 C.F.R. § 745.82(b) states, in pertinent part, as follows:

The information distribution requirements in § 745.84 do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage....Emergency renovations other than interim controls are also exempt from the warning sign, containment, waste handling, training, and certification requirements in §§ 745.85, 745.89, and 745.90 to the extent necessary to respond to the emergency.

Joe Ritchie, President of Puroclean, gave the following statement regarding work at the [REDACTED], New Haven, MO property on December 15, 2011 at his offices¹:

On Feb. 28, 2011, PuroClean was contracted by Drake-Beemont Mutual Insurance regarding a structure fire at [REDACTED], New Haven, MO 63068. The fire occurred in the early morning hours of that day or the night before. John Scott, myself, and Kenny Schaeferkotter (the insurance adjuster) met with [REDACTED] to address the damage. We found there to be extensive structural and water damage in the basement, most of the

¹ Portions of Mr. Ritchie’s statement have been highlighted for emphasis and corrected for punctuation.

main level and upstairs bedrooms. There was also extensive smoke and soot damage throughout the entire structure. Upon receipt of an Emergency Service Authorization, signed by the homeowner, PuroClean dispatched crew to begin securing the structure from a safety standpoint as well as to prevent secondary damages from water and smoke/soot damage. After contents were removed from the more heavily damaged areas, containment barriers were constructed and HEPA air scrubbers were installed. After containment was set up demolition of fire and water damaged materials were removed. This work was necessary, on an emergency basis, to prevent against mold/mildew/rot from water and to protect our personnel and other persons from falling debris, structural hazards, electrical hazards, etc. Due to the severity of the damage the occupants had been relocated as the home was uninhabitable. No one was living in the home during the entire period PuroClean worked on the property.

Upon completion of the emergency demolition, the structure was thoroughly HEPA vacuumed, wet cleaned, HEPA vacuumed again and all surfaces were sealed with an oil based sealant.

/s/ Joseph Ritchie, President, Ritchie Enterprises, Inc. d/b/a PuroClean Emergency Restoration Services, 1514 Watson Road, Sullivan, MO 63080.

Mr. Ritchie also gave the following statement regarding work at the [REDACTED], Mineral Point, MO and [REDACTED], Sullivan, MO properties on December 15, 2011 at his offices:

Both projects were emergency water situations where containment was constructed and HEPA air scrubbers were installed, water damaged materials were removed to ensure worker/occupant safety as well as to prevent secondary damages due to mold/mildew/rot/etc. HEPA vacuuming was performed, surfaces were cleaned, and then HEPA vacuumed again.

/s/ Joseph Ritchie, President, Ritchie Enterprises, Inc. d/b/a PuroClean Emergency Restoration Services, 1514 Watson Road, Sullivan, MO 63080.

It is my understanding that the EPA has not taken Puroclean's "emergency renovator" status into consideration. Puroclean respectfully requests that EPA re-consider its position on this for the following reasons:

- The work at issue was done at the behest of an insurance company following sudden and unexpected loss/damage to its insured;

- The projects were done on short-notice and on an emergency-basis with minimal time for preparation in order to minimize property damage, prevent further loss, and protect against various safety-hazards;
 - The owners/occupants of the properties were not present during or immediately following the work at the properties; and
 - Care was taken to completely clean the properties prior to owners/occupants re-entry and possession, thereby eliminating the chance of exposure to any lead-based dust or debris.
5. **The proposed penalty is excessive when compared to penalties imposed by U.S. EPA in similar RRP rule enforcement actions.**

An excerpt of a news release from the EPA's website provides details about a settlement involving violations resembling some of the alleged violations against Puroclean. The release states the following:

On March 20, 2012, Valiant Home Remodelers, a New Jersey window and siding company, agreed to pay \$1,500 to resolve violations from failing to follow the RRP rule during a window and siding replacement project at a home in Edison, N.J. Valiant Home Remodelers failed to contain renovation dust, contain waste, and train workers on lead-safe work practices.

Even assuming *arguendo* that Valiant Home Remodelers was alleged to have committed fewer or less serious violations than those alleged against Puroclean, the fact that Valiant settled a their enforcement case for slightly more than one percent (1%) of the amount of the current penalty calculation against Puroclean shows the need for a drastic reduction in the penalty amount if a fair, equitable and reasonable result is to be achieved in this matter.

Another release from the EPA's website states the following²:

Colin Wentworth, a rental property owner who was responsible for building operation and maintenance, **agreed to pay \$10,000 to resolve violations of**

² Emphasis has been added to portions of the release highlighting facts that are somewhat analogous to the allegations at issue here.

the RRP rule. The complaint alleged that **Mr. Wentworth's workers violated the rule by improperly using power equipment to remove paint** from the exterior surface of an 1850's apartment building he owns in Rockland, Maine. The complaint also alleged that the **workers had not received any training under the rule** and that **Mr. Wentworth had failed to apply for firm certification with the EPA.** Because **the lead dust had not been properly contained, residents were potentially exposed and the dust could have also contaminated the ground surrounding the apartment building.** **Two of the four units in the building were rented to recipients of U.S. Department of Housing and Urban Development Section 8 vouchers and there were at least four children under the age of 18, including one under the age of six, living in the units....**

The Wentworth violations appear somewhat similar to the alleged violations occurring at the New Haven, MO property. Here, however, EPA seeks to more heavily penalize Puroclean for similar violations. The EPA's current penalty demand does not seem reasonable when compared to the outcome of the Wentworth case.

In another similar case, *In the Matter of Kindred Painting LLC*, TSCA-1-2012-0070, Kindred Painting was alleged to have committed the following regulatory violations: (1) failure to obtain EPA firm certification prior to performing renovation activities on target housing; (2) failure to obtain RRP training course completion certification; (3) failure to post signs clearly defining the work area and warning occupants and others persons to remain outside of the work area; (4) failure to prohibit the use of machines designed to remove paint or other surface coatings through high speed operation such as sanding, grinding, power planing, abrasive blasting or sandblasting without HEPA vacuum attachments; and (5) failure to contain waste from renovation activities to prevent releases of dust and debris before the waste was removed from the work area for storage or disposal. Despite this, because the company has annual gross pre-tax revenues of less than \$300,000, the company was eligible for the RRP Penalty Program for Micro-Businesses and paid a two thousand, seven hundred and thirty dollar (\$2,730.00) civil

penalty.³ The approach of EPA in penalizing these violations also seems to differ significantly from the approach used here.

In the Matter of Spartan Painting, TSCA-05-2012-0023, Spartan Painting was also alleged to have committed a number of violations similar to those allegedly committed by Puroclean, including violations related to the following: firm/contractor certification, work practices, containment of dust and debris, and records retention. The difference between the two enforcement actions is that Spartan Painting was alleged to have committed these violations at ten (10) different target housing properties. Nevertheless, Spartan Painting paid a modest two thousand, one hundred dollar (\$2,100) civil penalty to settle its enforcement case.

In the Matter of Groeller Painting, TSCA-07-2013-0005, a Region 7 enforcement action that was recently resolved, and also involving a St. Louis-area business somewhat similar to Puroclean in terms of gross pre-tax revenues, the EPA alleged that Groeller Painting committed approximately ten (10) different violations of RRP rules in the following areas: failure to assign a certified renovator to the work site, failure to have firm certification, failure to perform proper recordkeeping, failure to submit lead information pamphlets, failure to post notification signs, failure to perform various lead-safe work practices, and failure to properly confine/contain renovation dust and debris. In the *Groeller* case, a Consent Agreement and Final Order (CAFO) was entered ordering Groeller Painting to pay a civil penalty of \$23,000 in two (2) installments over time, an amount far smaller and more reasonable than what EPA is seeking for Puroclean's alleged violations.

These cases do not appear to be “outliers” or the exception but rather “the rule” as far as EPA's enforcement of these types of cases is concerned. There appear to be a large number of

³ The issue of the EPA's RRP Penalty Program for Micro-Businesses and how this program may apply to this action is discussed in more detail below.

EPA RRP enforcement cases in which EPA has accepted much smaller penalties in settlement than the penalty proposed in this case. Because of this, if EPA is going to conduct its enforcement program in a way that is reasonable and consistent, and I understand that this is one of the agency's enforcement goals, a much smaller civil penalty than the one currently proposed is necessary.

6. Although Puroclean is likely not eligible for the EPA RRP Penalty Program for Micro-Businesses, this program and its penalty limitations should still be considered in determining what constitutes a reasonable penalty for Puroclean.

It is my understanding that under the RRP Penalty Program for Micro-Businesses, significantly reduced penalties (e.g., penalties of not more than \$4,000) are offered to businesses who have annual sales or gross pre-tax revenue of less than \$300,000. Puroclean's financial records show the following gross pre-tax income figures for the years 2010 through 2012:

	2010	2011	2012
Gross Pre-Tax Income	██████████	██████████	\$ ██████████

PII

These figures are certainly more than the \$300,000 limit of the RRP Penalty Program for Micro-Businesses. However, Puroclean's figures do not exceed the \$300,000 threshold by all that much.

For example, in Puroclean's worst year from the chart above (2010), the company is grossing just about fifty percent (50%) more than the threshold amount to be considered a Micro-Business. In Puroclean's best year from the chart above (2011), the company is grossing approximately sixty percent (60%) more than the threshold amount to be considered a Micro-Business. Despite this, the EPA has currently demanded a civil penalty of approximately \$80,000 from Puroclean and indicated that this amount could be reduced to the mid-\$50,000 range for cooperation – which represents a penalty of anywhere between 2000% (20 times) and

approximately 1400% (approximately 14 times) greater than the cap for micro-business civil penalties. Even a penalty amount of \$40,000 would be ten or more times what a micro-business might be expected to pay. This is neither fair, reasonable, nor equitable given Puroclean's income figures and financial wherewithal.

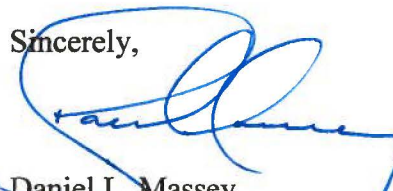
Conclusion

Puroclean is prepared to sign a standard EPA CAFO to settle the alleged violations against the company. In addition, the company is prepared to pay a civil monetary penalty of four thousand dollars (\$4,000.00) to fully resolve, settle and satisfy all of the EPA's claims and allegations against the company. Please contact me with your thoughts on this offer once you have had a chance to review this letter.

I am currently compiling Puroclean's financial information as it appears to me that the company's inability to pay the proposed civil penalty may also warrant reduction in the penalty EPA is seeking. I will see that the necessary federal income tax return documentation (the company's form 1120 for the years 2010, 2011, and 2012) is put together and the EPA's ability to pay form is filled out and sent to your attention for review and consideration.

I believe that it would also be productive for us to have a call to discuss the issues raised in this letter in more detail and a path forward in negotiations. It might also be helpful to have Ms. Maria Morey or other EPA staff involved in this matter on the call. Please let me know your thoughts on this and your availability at your earliest convenience. Your attention to this matter is appreciated.

Sincerely,



Daniel L. Massey
THE MASSEY LAW FIRM, LLC

THE MASSEY LAW FIRM, LLC

TWO CITYPLACE DRIVE, SUITE 200
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PII

June 20, 2013

Mr. Raymond C. Bosch
U.S. Environmental Protection Agency
11201 Renner Boulevard
Lenexa, KS 66219

Re: Pre-filing negotiations with Ritchie Enterprises, Inc. d/b/a Puroclean Emergency Restoration Services for alleged TSCA Lead-Based Paint RRP violations; Action No. 2600045263

Dear Mr. Bosch:

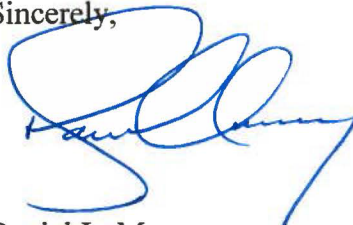
I am writing to inform you of my representation of Ritchie Enterprises, Inc. d/b/a Puroclean Emergency Restoration Services in the above-referenced matter. Please direct all correspondence and calls regarding this matter to my attention going forward.

I am in the process of reviewing relevant documents regarding the alleged violations. I plan on responding in writing to EPA's June 11, 2013 pre-filing negotiation correspondence as soon as my review is complete.

It is my understanding that EPA is seeking a civil monetary penalty for the above-referenced violations. I would appreciate it if you could forward EPA's penalty documentation memorandum for this action and/or any documentation that contains EPA's penalty demand, penalty calculation, penalty calculation methodology, etc. to my attention so that I may review this, be in a position to address this subject in my letter, and be fully informed of EPA's position prior to beginning negotiations.

In the meantime, should you have any questions or need to contact me for any reason, I can be reached at [REDACTED] (cell) or 314.812.4888 (office). Thank you for your attention to this matter.

Sincerely,



Daniel L. Massey
THE MASSEY LAW FIRM, LLC

THE MASSEY LAW FIRM, LLC

TWO CITYPLACE DRIVE, SUITE 200
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June 28, 2013

PII

Via U.S. and Electronic Mail

Mr. Raymond C. Bosch
U.S. Environmental Protection Agency
11201 Renner Boulevard
Lenexa, KS 66219

Re: Ritchie Enterprises, Inc. d/b/a Puroclean Emergency Restoration Services –
Action No./Facility ID #: 2600045263; Response to U.S. EPA's 6/11/13 Pre-
Filing Negotiation Letter

Dear Mr. Bosch:

I am writing to you on behalf of Ritchie Enterprises, Inc. d/b/a Puroclean Emergency Services (hereinafter, "Puroclean") in the above-referenced matter: Action No./Facility ID # 2600045263. I have reviewed the pre-filing negotiation letter you sent to Puroclean, as well as EPA's inspection report and other associated documents pertaining to this matter. This letter is written for settlement negotiation purposes and its contents shall not be admissible as evidence against Puroclean in any trial or administrative hearing.

It is my understanding from the penalty calculation chart that you e-mailed to me on June 20, 2013 that the U.S. EPA is currently seeking an eighty-three thousand and eighty dollar (\$83,080) civil monetary penalty for the alleged violations at issue. The penalty calculation e-mail also mentioned that EPA would be willing to reduce this amount by thirty percent (30%) for cooperation, thereby reducing the penalty to approximately fifty-eight thousand dollars (\$58,000).

The EPA's current penalty demand (both the original amount and when reduced by 30% for cooperation) is excessive considering the nature, circumstance, and extent of the alleged

violations. Puroclean's degree of culpability, history of environmental compliance and compliant attitude also weigh in favor of a significantly reduced civil penalty. Furthermore, Puroclean's small size and relatively modest sales and income figures also warrant a substantial reduction in the EPA's penalty demand.

In addition, Puroclean is an emergency renovator and was performing necessary emergency renovations at the properties at issue in this enforcement action. Puroclean is therefore entitled to the "emergency renovation" defense pursuant to 40 C.F.R. § 745.82(b), which should bear on the penalty determination. The proposed penalty also appears excessive when compared to penalties imposed by U.S. EPA in similar RRP rule enforcement actions and on companies alleged to have committed similar violations. This also suggests that a very significant reduction in EPA's initial penalty demand is reasonable and necessary.

1. The proposed penalty is excessive considering the nature, circumstance, and extent of the violations.

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THE MASSEY LAW FIRM, LLC

EPA's Characterization of the 3 Most Severe Alleged Violations at New Haven

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Failure to provide the owner with EPA-approved lead hazard information pamphlet, in violation of 40 C.F.R. § 745.84(a)(1)	Major	Level 1b	\$16,000
Failure to prohibit the use of machines that remove lead-based paint through high speed operation such as sanding, unless such machines are used with HEPA exhaust control, in violation of 40 C.F.R. § 745.85(a)(3)(ii)	Major	Level 1a	\$37,500

First, and as explained in more detail below, it appears that the work at issue was performed to respond to sudden and unexpected events and falls within the regulations' "emergency renovation" exception found at 40 C.F.R. § 745.82(b). In addition, RRP Rule requirements, by the EPA's own admission, are primarily designed to assist in reducing lead exposure to young children and pregnant women. It appears that the renovations at the New Haven property were conducted at a time when no children, pregnant women, or anyone else for that matter (other than personnel performing the emergency work) were present. While it appears that children did reside at the New Haven property before the fire necessitating the emergency work and prior to the emergency renovations, they were not present when the work at issue was taking place or immediately following completion of said work. During this time, it appears that the family was living elsewhere and the home was uninhabitable.

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It is reasonable to conclude that no children or pregnant women – or anyone else for that matter – were exposed to lead stemming from the work at issue. While violations of EPA regulations are alleged to have occurred, there is no evidence to suggest that anyone received a dose of lead or was even exposed to any lead-containing materials at the site. This is because (1) the owners/occupants were not present while the work was being performed, and (2) surfaces were cleaned and HEPA vacuumed multiple times following work activity.

In light of this, the current characterization of the extent and circumstance seems overly heavy-handed and excessive, and not in accord with the facts. Accordingly, Puroclean respectfully requests that the above-referenced three (3) New Haven violations be re-classified as follows:

Puroclean's Proposed Characterization of the 3 Most Severe Alleged Violations at New Haven

Violation	Extent	Circumstance	Gravity-Based Penalty
Failure to obtain initial firm certification from EPA, in violation of 40 C.F.R. § 745.89(a)	Minor	Level 3a	\$4,500 (Difference of \$18,000 from EPA's proposed penalty)
Failure to provide the owner with EPA-approved lead hazard information pamphlet, in violation of 40 C.F.R. § 745.84(a)(1)	Minor	Level 1b	\$2,840 (Difference of \$13,160 from EPA's proposed penalty)
Failure to prohibit the use of machines that remove lead-based paint through high speed operation such as sanding, unless such machines are used with HEPA exhaust control, in violation of 40 C.F.R. § 745.85(a)(3)(ii)	Minor	Level 1a	\$7,500 (Difference of \$30,000 from EPA's proposed penalty)

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Regarding the other violations relating to retention of records, Puroclean proposes a similar re-characterization: amending the alleged records violations to a minor/level 6b violation level, for which a penalty of \$600 per alleged violation would be imposed (for a total reduction of \$6,280 from EPA's proposed penalty).

The EPA's penalty matrices provide a wide-variety of possible options here. Even if EPA does not agree with the foregoing and believes that some other characterization is more appropriate, the additional facts, considerations and arguments laid out herein should serve as a basis for substantial reduction of the EPA's calculated penalty.

- 2. The proposed penalty is excessive considering Puroclean's degree of culpability, history of environmental compliance, and the company's positive attitude and good-faith efforts to remedy alleged violations and comply with the law and regulations.**

Puroclean did not knowingly or intentionally commit the alleged violations at issue and has endeavored to cooperate with the EPA at all stages of this matter. Just as the alleged violations at issue were not knowing or willful, they were also not committed for the purpose of increasing profit margins or garnering any type of financial benefit. The alleged violations were primarily due to Puroclean's misunderstanding of existing regulations. While the company acknowledges that this alone should not entirely excuse its alleged failures, it should serve as a basis for reduction of the EPA's penalty demand.

Although Puroclean is aggressively advocating for a significantly lower civil penalty than the one currently proposed, Puroclean's actions should not be viewed by EPA as a failure to understand the seriousness of the allegations against the company or as evidence that the company is not committed to full compliance with all environmental laws and regulations. In fact, one of the primary reasons Puroclean retained counsel in this matter was to assist the company in achieving a better understanding of the lengthy and complicated regulations at issue,

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even though such assistance may cost the company relatively significant sums of money. In addition, Puroclean's record of environmental compliance over the company's history should also evidence Puroclean's commitment to full compliance with the law and responsible work practices.

Although Puroclean has been cited for a number of alleged violations, EPA's own documents reference Puroclean's willingness to cooperate with EPA contractors/staff and comply with EPA's instructions and requests. Puroclean's willingness to engage and participate in pre-hearing negotiations with EPA is also evidence of Puroclean's positive attitude, reasonableness and good-faith. Accordingly, Puroclean requests that its positive attitude and cooperation be taken into consideration as a means of reducing the EPA's current penalty figure by thirty percent (30%), as set forth in EPA's enforcement response and penalty policy.

3. The proposed penalty is excessive in light of Puroclean's small size and when compared to the company's sales and income figures over the last three years.

Puroclean is a very small, privately-held corporation with several full-time employees. Puroclean's small size should be considered as a basis for a dramatic reduction of the proposed civil penalty. Furthermore, Puroclean may be eligible for further reduction under the EPA's Policy of Compliance Initiatives for Small Business. Puroclean requests that EPA consider this policy as a basis for additional reduction of the proposed penalty.

Puroclean does not have the financial wherewithal to pay a penalty as large as the one EPA is currently demanding. The company simply does not have sufficient cash reserves or enough liquidity to pay the proposed penalty amount (or the proposed amount less the 30% reduction for cooperation).

Ritchie Enterprises, Inc.'s Form 1120 tax information shows the following figures for 2010 through 2012:

	2010	2011	2012	2010-12 Average
Gross receipts or sales				
Cost of goods sold				
Gross profit				
Total income				
Total deductions				
Ordinary business income (loss)				

As you can see from the table, the EPA's proposed civil penalty represents a significant portion of Puroclean's average gross profit and total income for 2010 through 2012. In fact, the proposed civil penalty greatly exceeds Puroclean's yearly ordinary business income for 2010, 2011, and 2012, and also exceeds Puroclean's cumulative ordinary business income for the

Puroclean simply does not have the financial wherewithal to come up with funds to pay a penalty as large as the one EPA is currently seeking. Even a penalty in the fifty thousand dollar (\$50,000) range (as the EPA has currently proposed based on a thirty percent (30%) reduction for cooperation) and paid over two (2) or three (3) years would devastate Puroclean's finances, prevent the company from meeting existing financial obligations, and seriously jeopardize the company's future. A significantly smaller civil penalty could still achieve the desired effect of fairly penalizing the alleged violations, deterring repeat violations, and maintaining consistency and fairness in EPA enforcement.

EPA policy dictates that the goal of its civil monetary penalties is generally not to drive companies out of business or into bankruptcy, unless the company is deemed an environmental "bad actor" with a history of serious environmental compliance issues. Puroclean does not fit the

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“bad actor” profile. Because of this, imposition of a penalty large enough to drive the company out of business, or imposition of one with the potential to do so, is not warranted and would be unreasonable.

4. **Puroclean is an emergency renovator and was performing necessary emergency renovations at the properties at issue in this enforcement action. Puroclean is therefore entitled to the “emergency renovation” defense pursuant to 40 C.F.R. § 745.82(b).**

Puroclean specializes in emergency restoration services. The company gets the majority of its business from insurance companies following losses at and/or damage to the properties of policy holders. In fact, EPA’s own record keeping report recognizes this (in the record keeping report’s “type of business” section), stating that Puroclean specializes in “[e]mergency restoration services.” The lead-based paint RRP regulation’s emergency renovation provision, found at 40 C.F.R. § 745.82(b) states, in pertinent part, as follows:

The information distribution requirements in § 745.84 do not apply to emergency renovations, which are renovation activities that were not planned but result from a sudden, unexpected event (such as non-routine failures of equipment) that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage....Emergency renovations other than interim controls are also exempt from the warning sign, containment, waste handling, training, and certification requirements in §§ 745.85, 745.89, and 745.90 to the extent necessary to respond to the emergency.

Joe Ritchie, President of Puroclean, gave the following statement regarding work at the

██████████, New Haven, MO property on December 15, 2011 at his offices¹:

PII

On Feb. 28, 2011, PuroClean was contracted by Drake-Beemont Mutual Insurance regarding a structure fire at ██████████, New Haven, MO 63068. The fire occurred in the early morning hours of that day or the night before. John Scott, myself, and Kenny Schaeferkotter (the insurance adjuster) met with ██████████ to address the damage. We found there to be extensive structural and water damage in the basement, most of the

¹ Portions of Mr. Ritchie’s statement have been highlighted for emphasis and corrected for punctuation.

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main level and upstairs bedrooms. There was also extensive smoke and soot damage throughout the entire structure. Upon receipt of an Emergency Service Authorization, signed by the homeowner, PuroClean dispatched crew to begin securing the structure from a safety standpoint as well as to prevent secondary damages from water and smoke/soot damage. After contents were removed from the more heavily damaged areas, containment barriers were constructed and HEPA air scrubbers were installed. After containment was set up demolition of fire and water damaged materials were removed. This work was necessary, on an emergency basis, to prevent against mold/mildew/rot from water and to protect our personnel and other persons from falling debris, structural hazards, electrical hazards, etc. Due to the severity of the damage the occupants had been relocated as the home was uninhabitable. No one was living in the home during the entire period PuroClean worked on the property.

Upon completion of the emergency demolition, the structure was thoroughly HEPA vacuumed, wet cleaned, HEPA vacuumed again and all surfaces were sealed with an oil based sealant.

PII

/s/ Joseph Ritchie, President, Ritchie Enterprises, Inc. d/b/a PuroClean
Emergency Restoration Services, 1514 Watson Road, Sullivan, MO 63080.

Mr. Ritchie also gave the following statement regarding work at the [REDACTED], Mineral Point, MO and [REDACTED], Sullivan, MO properties on December 15, 2011 at his offices:

Both projects were emergency water situations where containment was constructed and HEPA air scrubbers were installed, water damaged materials were removed to ensure worker/occupant safety as well as to prevent secondary damages due to mold/mildew/rot/etc. HEPA vacuuming was performed, surfaces were cleaned, and then HEPA vacuumed again.

/s/ Joseph Ritchie, President, Ritchie Enterprises, Inc. d/b/a PuroClean
Emergency Restoration Services, 1514 Watson Road, Sullivan, MO 63080.

It is my understanding that the EPA has not taken Puroclean's "emergency renovator" status into consideration. Puroclean respectfully requests that EPA re-consider its position on this for the following reasons:

- The work at issue was done at the behest of an insurance company following sudden and unexpected loss/damage to its insured;

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- The projects were done on short-notice and on an emergency-basis with minimal time for preparation in order to minimize property damage, prevent further loss, and protect against various safety-hazards;
 - The owners/occupants of the properties were not present during or immediately following the work at the properties; and
 - Care was taken to completely clean the properties prior to owners/occupants re-entry and possession, thereby eliminating the chance of exposure to any lead-based dust or debris.
5. **The proposed penalty is excessive when compared to penalties imposed by U.S. EPA in similar RRP rule enforcement actions.**

An excerpt of a news release from the EPA's website provides details about a settlement involving violations resembling some of the alleged violations against Puroclean. The release states the following:

On March 20, 2012, Valiant Home Remodelers, a New Jersey window and siding company, agreed to pay \$1,500 to resolve violations from failing to follow the RRP rule during a window and siding replacement project at a home in Edison, N.J. Valiant Home Remodelers failed to contain renovation dust, contain waste, and train workers on lead-safe work practices.

Even assuming *arguendo* that Valiant Home Remodelers was alleged to have committed fewer or less serious violations than those alleged against Puroclean, the fact that Valiant settled a their enforcement case for slightly more than one percent (1%) of the amount of the current penalty calculation against Puroclean shows the need for a drastic reduction in the penalty amount if a fair, equitable and reasonable result is to be achieved in this matter.

Another release from the EPA's website states the following²:

Colin Wentworth, a rental property owner who was responsible for building operation and maintenance, **agreed to pay \$10,000 to resolve violations of**

² Emphasis has been added to portions of the release highlighting facts that are somewhat analogous to the allegations at issue here.

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the RRP rule. The complaint alleged that Mr. Wentworth's workers violated the rule by improperly using power equipment to remove paint from the exterior surface of an 1850's apartment building he owns in Rockland, Maine. The complaint also alleged that the workers had not received any training under the rule and that Mr. Wentworth had failed to apply for firm certification with the EPA. Because the lead dust had not been properly contained, residents were potentially exposed and the dust could have also contaminated the ground surrounding the apartment building. Two of the four units in the building were rented to recipients of U.S. Department of Housing and Urban Development Section 8 vouchers and there were at least four children under the age of 18, including one under the age of six, living in the units....

The Wentworth violations appear somewhat similar to the alleged violations occurring at the New Haven, MO property. Here, however, EPA seeks to more heavily penalize Puroclean for similar violations. The EPA's current penalty demand does not seem reasonable when compared to the outcome of the Wentworth case.

In another similar case, *In the Matter of Kindred Painting LLC*, TSCA-1-2012-0070, Kindred Painting was alleged to have committed the following regulatory violations: (1) failure to obtain EPA firm certification prior to performing renovation activities on target housing; (2) failure to obtain RRP training course completion certification; (3) failure to post signs clearly defining the work area and warning occupants and others persons to remain outside of the work area; (4) failure to prohibit the use of machines designed to remove paint or other surface coatings through high speed operation such as sanding, grinding, power planing, abrasive blasting or sandblasting without HEPA vacuum attachments; and (5) failure to contain waste from renovation activities to prevent releases of dust and debris before the waste was removed from the work area for storage or disposal. Despite this, because the company has annual gross pre-tax revenues of less than \$300,000, the company was eligible for the RRP Penalty Program for Micro-Businesses and paid a two thousand, seven hundred and thirty dollar (\$2,730.00) civil

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penalty.³ The approach of EPA in penalizing these violations also seems to differ significantly from the approach used here.

In the Matter of Spartan Painting, TSCA-05-2012-0023, Spartan Painting was also alleged to have committed a number of violations similar to those allegedly committed by Puroclean, including violations related to the following: firm/contractor certification, work practices, containment of dust and debris, and records retention. The difference between the two enforcement actions is that Spartan Painting was alleged to have committed these violations at ten (10) different target housing properties. Nevertheless, Spartan Painting paid a modest two thousand, one hundred dollar (\$2,100) civil penalty to settle its enforcement case.

In the Matter of Groeller Painting, TSCA-07-2013-0005, a Region 7 enforcement action that was recently resolved, and also involving a St. Louis-area business somewhat similar to Puroclean in terms of gross pre-tax revenues, the EPA alleged that Groeller Painting committed approximately ten (10) different violations of RRP rules in the following areas: failure to assign a certified renovator to the work site, failure to have firm certification, failure to perform proper recordkeeping, failure to submit lead information pamphlets, failure to post notification signs, failure to perform various lead-safe work practices, and failure to properly confine/contain renovation dust and debris. In the *Groeller* case, a Consent Agreement and Final Order (CAFO) was entered ordering Groeller Painting to pay a civil penalty of \$23,000 in two (2) installments over time, an amount far smaller and more reasonable than what EPA is seeking for Puroclean's alleged violations.

These cases do not appear to be "outliers" or the exception but rather "the rule" as far as EPA's enforcement of these types of cases is concerned. There appear to be a large number of

³ The issue of the EPA's RRP Penalty Program for Micro-Businesses and how this program may apply to this action is discussed in more detail below.

EPA RRP enforcement cases in which EPA has accepted much smaller penalties in settlement than the penalty proposed in this case. Because of this, if EPA is going to conduct its enforcement program in a way that is reasonable and consistent, and I understand that this is one of the agency's enforcement goals, a much smaller civil penalty than the one currently proposed is necessary.

6. Although Puroclean is likely not eligible for the EPA RRP Penalty Program for Micro-Businesses, this program and its penalty limitations should still be considered in determining what constitutes a reasonable penalty for Puroclean.

It is my understanding that under the RRP Penalty Program for Micro-Businesses, significantly reduced penalties (e.g., penalties of not more than \$4,000) are offered to businesses who have annual sales or gross pre-tax revenue of less than \$300,000. Puroclean's financial records show the following gross pre-tax income figures for the years 2010 through 2012:

	2010	2011	2012
Gross Pre-Tax Income	██████████	██████████	██████████

These figures are certainly more than the \$300,000 limit of the RRP Penalty Program for Micro-Businesses. However, Puroclean's figures do not exceed the \$300,000 threshold by all that much.

For example, in Puroclean's worst year from the chart above (2010), the company is grossing just about ██████████ more than the threshold amount to be considered a Micro-Business. In Puroclean's best year from the chart above (2011), the company is grossing approximately ██████████ more than the threshold amount to be considered a Micro-Business. Despite this, the EPA has currently demanded a civil penalty of approximately \$80,000 from Puroclean and indicated that this amount could be reduced to the mid-\$50,000 range for cooperation – which represents a penalty of anywhere between 2000% (20 times) and

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approximately 1400% (approximately 14 times) greater than the cap for micro-business civil penalties. Even a penalty amount of \$40,000 would be ten or more times what a micro-business might be expected to pay. This is neither fair, reasonable, nor equitable given Puroclean's income figures and financial wherewithal.

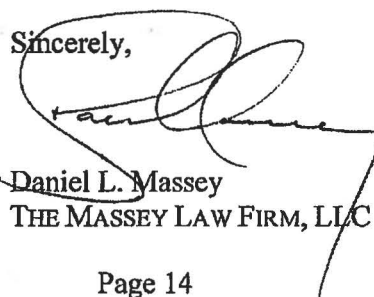
Conclusion

Puroclean is prepared to sign a standard EPA CAFO to settle the alleged violations against the company. In addition, the company is prepared to pay a civil monetary penalty of four thousand dollars (\$4,000.00) to fully resolve, settle and satisfy all of the EPA's claims and allegations against the company. Please contact me with your thoughts on this offer once you have had a chance to review this letter.

I am currently compiling Puroclean's financial information as it appears to me that the company's inability to pay the proposed civil penalty may also warrant reduction in the penalty EPA is seeking. I will see that the necessary federal income tax return documentation (the company's form 1120 for the years 2010, 2011, and 2012) is put together and the EPA's ability to pay form is filled out and sent to your attention for review and consideration.

I believe that it would also be productive for us to have a call to discuss the issues raised in this letter in more detail and a path forward in negotiations. It might also be helpful to have Ms. Maria Morey or other EPA staff involved in this matter on the call. Please let me know your thoughts on this and your availability at your earliest convenience. Your attention to this matter is appreciated.

Sincerely,



Daniel L. Massey
THE MASSEY LAW FIRM, LLC

Page 14

Morey, Maria

From: Dan Massey [dan@themasseylawfirm.com]
Sent: Thursday, June 20, 2013 5:06 PM
To: Bosch, Raymond
Cc: Morey, Maria
Subject: RE: CORRECTION - Your Client - Ritchie Enterprises

Ray,

Thanks for this. As I said on the phone, I'll have a written response to your all's pre-filing negotiation letter to you in the next 10 days or so.

Dan

Daniel L. Massey
Dan@TheMasseyLawFirm.com
P: 314.812.4888
[REDACTED]

THE MASSEY LAW FIRM, LLC
Two CityPlace Drive, Suite 200
St. Louis, MO 63141
www.TheMasseyLawFirm.com

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From: Bosch, Raymond [<mailto:Bosch.Raymond@epa.gov>]
Sent: Thursday, June 20, 2013 4:51 PM
To: Dan@themasseylawfirm.com
Cc: Morey, Maria
Subject: CORRECTION - Your Client - Ritchie Enterprises

The previous e-mail sent concerning this matter inadvertently contained material unrelated to your client's case. That e-mail should be discarded and this one used instead.

Thank you –

RCB

Dan -

As we discussed over the telephone, the United States Environmental Protection Agency (EPA) is proposing an \$ 83,080 penalty in this matter, based upon your client's violations of the Toxic Substances Control Act (TSCA) §402(c), 15 U.S.C. § 2682, Renovation, Repair, and Painting Rule, found at 40 C.F.R. 745, Subpart E.

Below is a chart of the violations, as well as the basis for the penalty for each violation. These calculations were determined through the application of the Consolidated Enforcement Response Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and the Lead-Based Paint Activity Rule (ERPP). Attached is link to the ERPP.

<http://www.epa.gov/enforcement/documents/policies/leadbasedpaint-consolidatederpp0810.pdf>

Address of Target Housing	Year Built	Children (Ages)	Date work was performed	Violation	Extent	Circumsta
[REDACTED] New Haven, MO	1891	[REDACTED] [REDACTED]	2/28/11 – 4/21/11	745.89(a) Failure of a firm to obtain initial certification from EPA	Major	Level 3a
				745.84(a)(1) Failure to provide the owner of the unit with EPA approved lead hazard information pamphlet	Major	Level 1b
				745.86 Failure to retain all records necessary to demonstrate compliance with RRP for 3 years following completion of the renovation activity	Major	Level 6
				745.85(a)(3)(ii) Failure to prohibit the use of machines that remove lead-based paint through high speed operation such as sanding.....unless such machines are used with HEPA exhaust control	Major	Level 1
*Fire damage restoration – contractor returned and “gutted” kitchen after emergency was addressed. Emergency renovation many RRP requirements including PRE. Contractor power sanded portions of interior prior to painting. Follow up work not p renovation.						
[REDACTED] Mineral Point, MO	Assumed pre-78	Unknown	11/17/2011 – 11/30/2011	745.86 Failure to retain all records necessary to demonstrate compliance with RRP for 3 years following completion of the renovation activity	Significant	Level 6
[REDACTED] Sullivan, MO	1880	Unknown	5/25/2011 – 5/31/2011	745.86 Failure to retain all records necessary to demonstrate compliance with RRP for 3 years following completion of the	Significant	Level 6

			renovation activity		
Total					

This amount can be reduced up to 30% for your client's cooperation in settling this case.
 $\$83,080 \times 70\%$ for cooperation = \$58,156

Concerning the violations that are alleged to have occurred at Mineral Point and Sullivan, Missouri, the "Extent" category was assigned as "Significant" because it is unknown whether any children resided there or not. If it can be shown that there were no children residing at an address, the Extent will be "Minor" and the penalty would be reduced from \$2,040 to \$600 for that location. I understand that one of the properties was vacant at the time Ritchie Enterprises worked on it. That would certainly reduce the amount. An affidavit from the owner will suffice as proof of the presence of children on either of these two properties.

As we discussed, if you feel that your client does not have the ability to pay this penalty, EPA will consider an Ability to Pay claim. Attached is the form that must be filled out and returned to me at the address below with the required attachments.

If you have any questions matter, please do not hesitate to contact me.

Sincerely,

Ray

Raymond C. Bosch
 Attorney Advisor
 U.S. Environmental Protection Agency, Region 7
 11201 Renner Boulevard
 Lenexa, KS 66219
 (913) 551-7501

Morey, Maria

From: Bosch, Raymond
Sent: Monday, June 17, 2013 3:48 PM
To: jritchie@puromail.com
Cc: Morey, Maria
Subject: EPA Violations - Ability to Pay form
Attachments: Ability to Pay - Business.pdf

Mr. Ritchie –

In accordance with our conversation today, I am e-mailing you an Ability to Pay form to determine whether your firm has the ability to pay the assessed penalty in this matter.

Please complete the form and attach the required documents and return them to me either by mail at the address below or via e-mail. They must be received no later than Monday, July 1, 2013.

If you have any questions, please do not hesitate to contact me,

Sincerely,

Raymond C. Bosch
Attorney Advisor
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, KS 66219
(913) 551-7501



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

JUN 11 2013

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe Ritchie
Ritchie Enterprises d/b/a Puroclean Emergency Restoration Services
1514 Watson Road
Sullivan, MO 63080

Re: Pre-Filing Negotiations for Lead-Based Paint Renovation, Repair, and
Painting Program Violations

Action Number: 2600045263

Dear Mr. Ritchie:

Lead is a highly toxic substance and presents significant environmental and health concerns. Lead poisoning in children is a common, yet preventable, environmental health problem in the United States. Lead poisoning can result in a variety of negative health effects including reduced intelligence quotient, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity and behavior problems, and in severe cases, coma and death. The main sources of lead are found in residences built before 1978 and include deteriorating paint, lead dust, and soil.

The Toxic Substances Control Act (TSCA) §402(c), 15 U.S.C. § 2682, Renovation, Repair, and Painting Program addresses lead-based paint hazards created by renovation, repair, and painting activities that disturb lead based paint in target housing and child occupied facilities built before 1978. The RRP rule requires firms and individuals performing renovations of target housing for compensation to be certified and to utilize specific work practices to minimize lead-based paint hazards for workers and occupants. Prior to the start of renovation, the firm performing the renovation must provide the owners and occupants of the target housing units a copy of an EPA approved pamphlet and document the pamphlet has been delivered.

On December 15, 2011, EPA conducted an inspection concerning renovations that were performed by your company at [REDACTED], New Haven, Missouri; [REDACTED], Mineral Point, Missouri; and [REDACTED] Sullivan, Missouri. The inspection was conducted pursuant to the authority of TSCA to determine your compliance with the requirements of TSCA and related regulations found in the Code of Federal Regulations (C.F.R.). A copy of the inspection report was mailed to you on March 14, 2012.



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We have completed our review of the inspection report and have determined that the following violations of TSCA and/or the C.F.R. have occurred:

[REDACTED], New Haven, Missouri

- 40 C.F.R. § 745.89(a)(1) - Failure to obtain initial firm certification from EPA;
- 40 C.F.R. § 745.84(a)(1) - Failure to provide the owner of the unit with EPA approved lead hazard information pamphlet;
- 40 C.F.R. § 745.85(a)(3)(ii) – Operating machines designed to remove paint or other surface coatings through high speed operation such as sanding or grinding on painted surfaces without such machines having shrouds or containment systems and being equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation;
- 40 C.F.R. § 745.86 Failure to retain all records necessary to demonstrate compliance with RRP for 3 years following completion of the renovation activity.

[REDACTED] Mineral Point, Missouri

- 40 C.F.R. § 745.86 Failure to retain all records necessary to demonstrate compliance with RRP for 3 years following completion of the renovation activity.

[REDACTED] Sullivan, Missouri

- 40 C.F.R. § 745.86 Failure to retain all records necessary to demonstrate compliance with RRP for 3 years following completion of the renovation activity.

Violators may be subject to a penalty of as much as \$37,500 per violation of the Renovation, Repair, and Painting Rule.

EPA believes that an enforcement action in the form of a civil penalty is appropriate for these violations. Accordingly, our intent at this time is to file an administrative complaint within the next sixty (60) days seeking civil penalties for these violations.

60-Day Pre-Filing Negotiations

While the EPA believes it is appropriate to proceed with a formal enforcement action, we also recognize that settlement of this matter may be better accomplished by conducting negotiations prior to the filing of a complaint. By this letter we are offering you the opportunity to negotiate a resolution of the proposed penalty before the complaint is filed. The settlement of this matter through payment of a civil penalty and any injunctive relief must be memorialized in a Consent Agreement and Final Order to be signed by you and the EPA within the 60-day period. As part of these pre-filing negotiations, the EPA will consider any additional information that you have that is relevant to the penalty or violations. If you are interested in participating in pre-

filing negotiations, please contact me within **10 calendar days** of your receipt of this letter at (913) 551-7501. If you choose not to participate in pre-filing negotiations, do not contact me within the 10-day time period, or settlement is not reached within the 60-day pre-filing time period, the EPA intends to proceed with the filing of an administrative complaint.

EPA calculates proposed penalties for RRP violations pursuant to the Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule (LBP Consolidated ERPP August 2010) found at:

<http://www.epa.gov/compliance/resources/policies/civil/penalty/leadbasedpaint-consolidatederpp0810.pdf>.

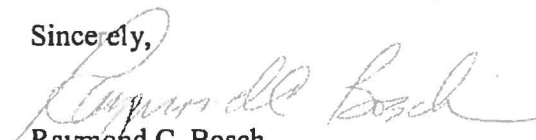
Pursuant to TSCA Section 16, EPA considers the following statutory factors in determining the amount of a civil penalty: the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

Supplemental Environmental Projects

You may also wish to consider mitigating a portion of the penalty by performing a Supplemental Environmental Project ("SEP"). A SEP is a project purchased or performed by a violator that provides significant environmental benefits and has a nexus to the environmental harm threatened or caused by the violations.

As indicated above, EPA's inspection of your records has identified violations of TSCA and/or the C.F.R. that warrant the assessment of a civil penalty. However, EPA is committed to working with you to resolve this matter and believes that pre-filing negotiations offer all parties an opportunity to reach settlement without protracted litigation. Your immediate attention to this matter is greatly appreciated. If you have any questions, please do not hesitate to contact me at (913) 551-7501 or Maria Morey from EPA's Lead-Based Paint Program, at (913) 551-7079.

Sincerely,



Raymond C. Bosch
Assistant Regional Counsel

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Joe Ritchie
Ritchie Enterprises d/b/a Puroclean
Emergency Restoration Services
1514 Watson Road
Sullivan, MO 63080

2. Article Number
(Transfer from service label)

7012 1640 0001 7091 9013

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

Joe Ritchie

C. Date of Delivery

6/17/13

- D. Is delivery address different from item 1?** ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**

Domestic Mail Only; No Insurance Coverage Provided

For delivery information visit our website at www.usps.com

OFFICIAL USE

7012 1640 0001 7091 9013

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Postmark
Here

To

Mr. Joe Ritchie
Ritchie Enterprises d/b/a Puroclean
Emergency Restoration Services
1514 Watson Road
Sullivan, MO 63080

PS Form 3800, August 2006

See Reverse for Instructions

PII

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe Ritchie
Ritchie Enterprises d/b/a Puroclean Emergency Restoration Services
1514 Watson Road
Sullivan, MO 63080

Re: Pre-Filing Negotiations for Lead-Based Paint Renovation, Repair, and
Painting Program Violations

Action Number: 2600045263

Dear Mr. Ritchie:

Lead is a highly toxic substance and presents significant environmental and health concerns. Lead poisoning in children is a common, yet preventable, environmental health problem in the United States. Lead poisoning can result in a variety of negative health effects including reduced intelligence quotient, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity and behavior problems, and in severe cases, coma and death. The main sources of lead are found in residences built before 1978 and include deteriorating paint, lead dust, and soil.

The Toxic Substances Control Act (TSCA) §402(c), 15 U.S.C. § 2682, Renovation, Repair, and Painting Program addresses lead-based paint hazards created by renovation, repair, and painting activities that disturb lead based paint in target housing and child occupied facilities built before 1978. The RRP rule requires firms and individuals performing renovations of target housing for compensation to be certified and to utilize specific work practices to minimize lead-based paint hazards for workers and occupants. Prior to the start of renovation, the firm performing the renovation must provide the owners and occupants of the target housing units a copy of an EPA approved pamphlet and document the pamphlet has been delivered.

On December 15, 2011, EPA conducted an inspection concerning renovations that were performed by your company at [REDACTED], New Haven, Missouri; [REDACTED], Mineral Point, Missouri; and [REDACTED] Sullivan, Missouri. The inspection was conducted pursuant to the authority of TSCA to determine your compliance with the requirements of TSCA and related regulations found in the Code of Federal Regulations (C.F.R.). A copy of the inspection report was mailed to you on March 14, 2012.

CONCURRENCES											
SYMBOL	CNSL	CNSL	TOPE	TOPE							
NAME	Bosch	Johnson	Morey	Green							
INITIALS	POD		MM	SS							

6/5/13

6/5/13

6/5/13

We have completed our review of the inspection report and have determined that the following violations of TSCA and/or the C.F.R. have occurred:

██████████ New Haven, Missouri

40 C.F.R. § 745.89(a)(1) - Failure to obtain initial firm certification from EPA;

40 C.F.R. § 745.84(a)(1) - Failure to provide the owner of the unit with EPA approved lead hazard information pamphlet;

40 C.F.R. § 745.85(a)(3)(ii) – Operating machines designed to remove paint or other surface coatings through high speed operation such as sanding or grinding on painted surfaces without such machines having shrouds or containment systems and being equipped with a HEPA vacuum attachment to collect dust and debris at the point of generation;

40 C.F.R. § 745.86 Failure to retain all records necessary to demonstrate compliance with RRP for 3 years following completion of the renovation activity.

██████████ Mineral Point, Missouri

40 C.F.R. § 745.86 Failure to retain all records necessary to demonstrate compliance with RRP for 3 years following completion of the renovation activity.

██████████ Sullivan, Missouri

40 C.F.R. § 745.86 Failure to retain all records necessary to demonstrate compliance with RRP for 3 years following completion of the renovation activity.

Violators may be subject to a penalty of as much as \$37,500 per violation of the Renovation, Repair, and Painting Rule.

EPA believes that an enforcement action in the form of a civil penalty is appropriate for these violations. Accordingly, our intent at this time is to file an administrative complaint within the next sixty (60) days seeking civil penalties for these violations.

60-Day Pre-Filing Negotiations

While the EPA believes it is appropriate to proceed with a formal enforcement action, we also recognize that settlement of this matter may be better accomplished by conducting negotiations prior to the filing of a complaint. By this letter we are offering you the opportunity to negotiate a resolution of the proposed penalty before the complaint is filed. The settlement of this matter through payment of a civil penalty and any injunctive relief must be memorialized in a Consent Agreement and Final Order to be signed by you and the EPA within the 60-day period.

As part of these pre-filing negotiations, the EPA will consider any additional information that you have that is relevant to the penalty or violations. If you are interested in participating in pre-filing negotiations, please contact me within **10 calendar days** of your receipt of this letter at (913) 551-7501. If you choose not to participate in pre-filing negotiations, do not contact me within the 10-day time period, or settlement is not reached within the 60-day pre-filing time period, the EPA intends to proceed with the filing of an administrative complaint.

EPA calculates proposed penalties for RRP violations pursuant to the Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule (LBP Consolidated ERPP August 2010) found at:

<http://www.epa.gov/compliance/resources/policies/civil/penalty/leadbasedpaint-consolidatederpp0810.pdf>.

Pursuant to TSCA Section 16, EPA considers the following statutory factors in determining the amount of a civil penalty: the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

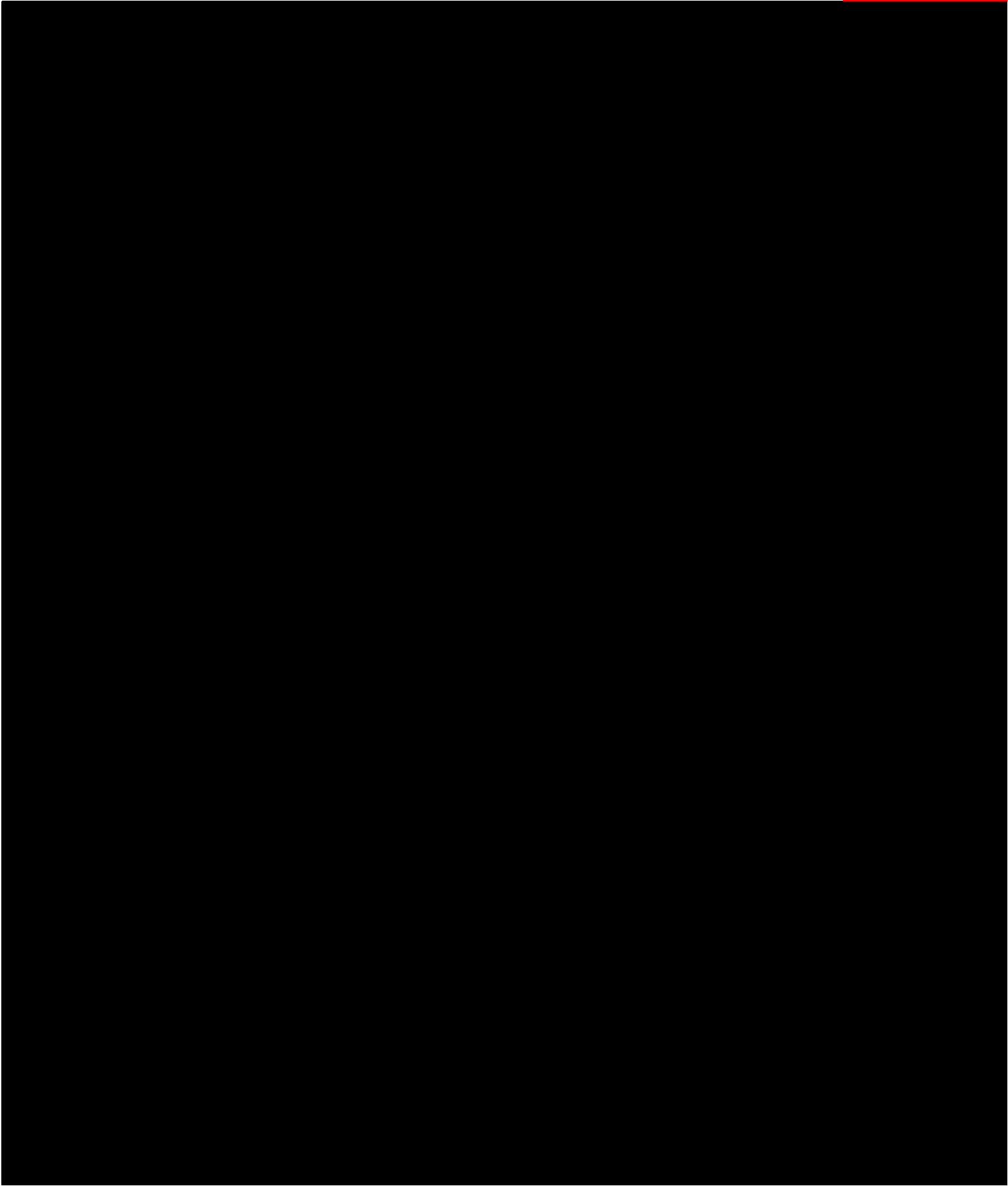
Supplemental Environmental Projects

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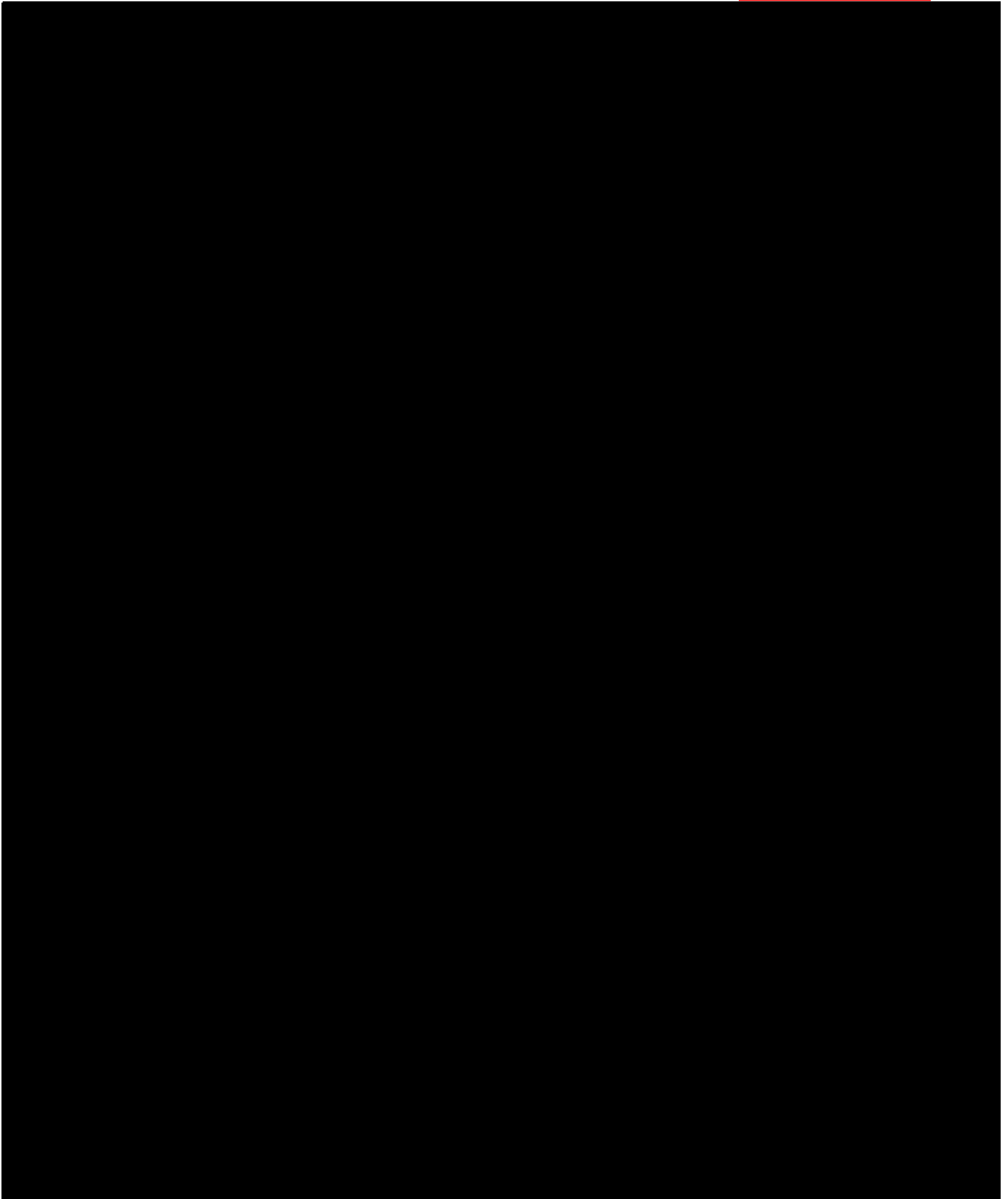
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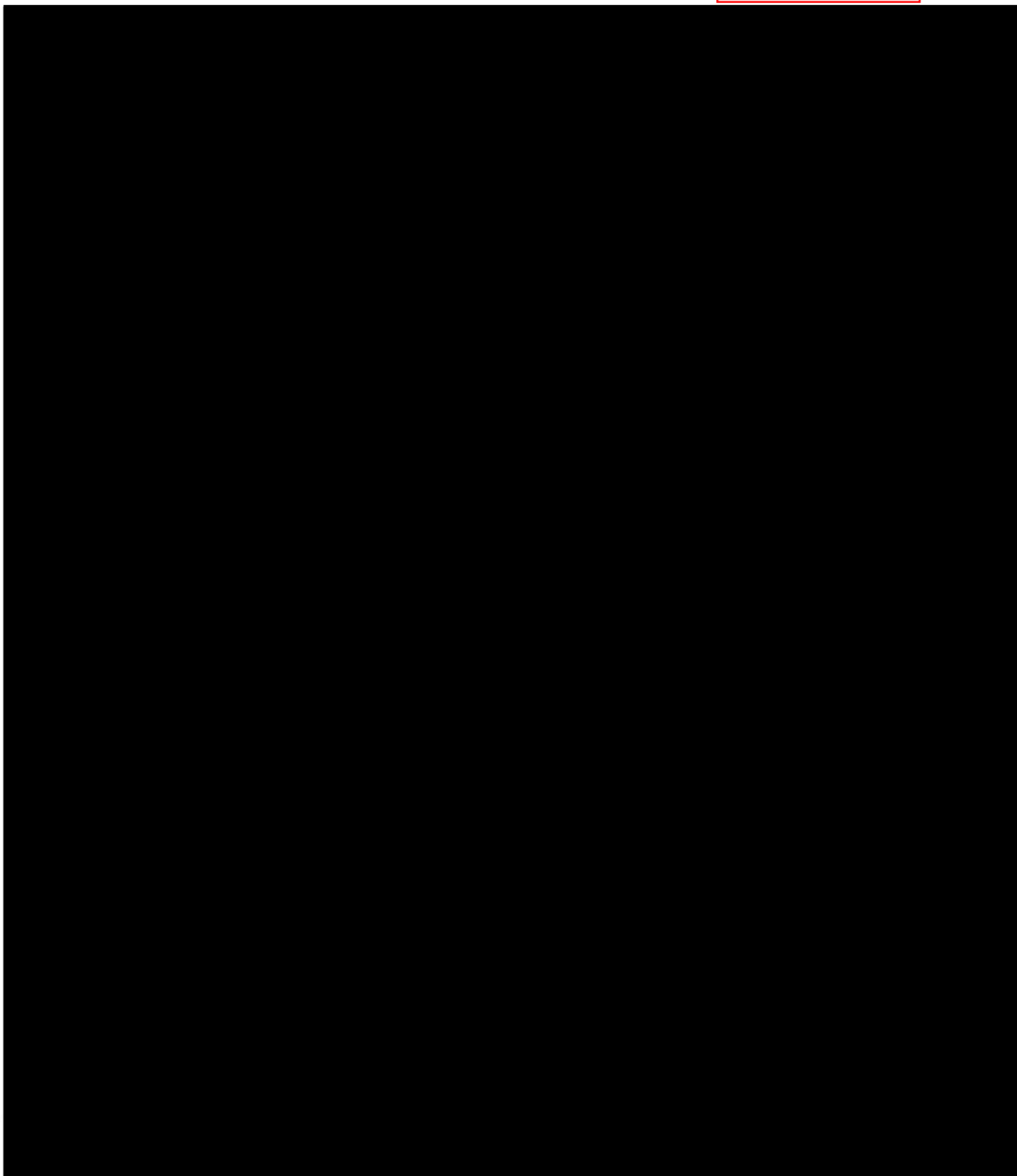
Raymond C. Bosch
Assistant Regional Counsel



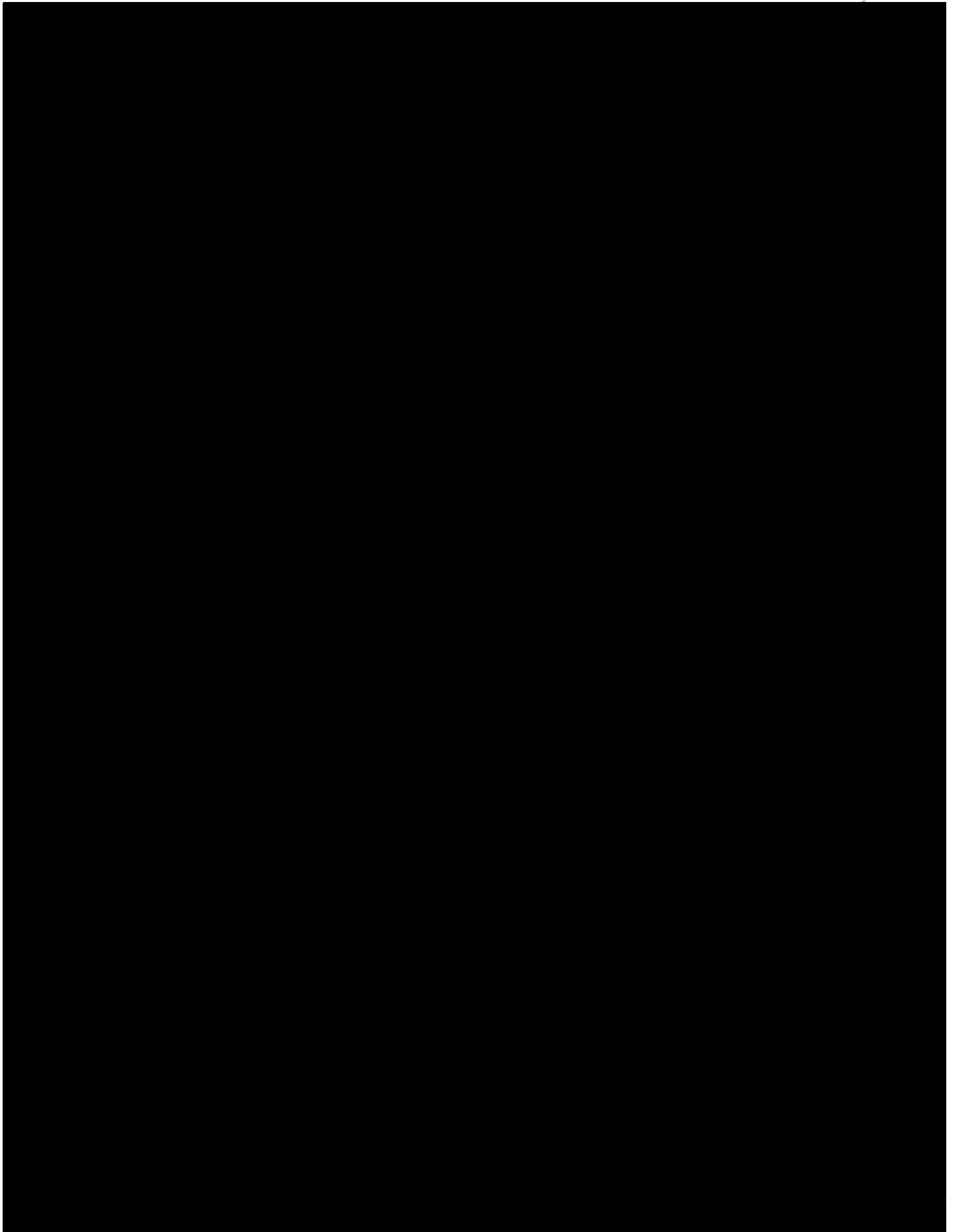
EXEMPTION 5



EXEMPTION 5



EXEMPTION 5





Here is some corporate info on Ritchie d/b/a Puroclean
Raymond Bosch to: Maria Morey

11/09/2012 08:42 AM

FYI

----- Forwarded by Raymond Bosch/R7/USEPA/US on 11/09/2012 08:41 AM -----

From: Deanna Smith/R7/USEPA/US
To: Raymond Bosch/R7/USEPA/US@EPA
Date: 11/09/2012 08:23 AM
Subject: Re: Could you find out some corporate info on the following?



Ritchie Biennial Rpt.pdf Ritchie SOS.pdf Ritchie Webpage.pdf



FYI Puroclean FL.doc

Let me know if you need anything else.

Deanna Smith
Paralegal Specialist
US EPA Region 7
11201 Renner Boulevard
Lenexa, KS 66219
Phone (913) 551-7062
smith.deanna@epa.gov

Raymond Bosch

Deanna - Ritchie Enterprises d/b/a Puroclean E...

11/08/2012 03:53:29 PM

From: Raymond Bosch/R7/USEPA/US
To: Deanna Smith/R7/USEPA/US@EPA
Date: 11/08/2012 03:53 PM
Subject: Could you find out some corporate info on the following?

Deanna -

Ritchie Enterprises d/b/a Puroclean Emergency Restoration Services
1514 Watson Road
Sullivan, MO 63080

Puroclean is a nationwide emergency restoration company and I believe Ritchie Enterprises is a franchisee

Thank you!

Ray

Raymond C. Bosch
Attorney Advisor
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard

Lenexa, Kansas 66219
(913) 551-7501



1 of 1 DOCUMENT

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LexisNexis® Corporate Affiliations

August 27, 2012

PuroSystems, Inc.

Franchise Support Ctr 6001 Hiatus Rd Ste 13
Tamarac, FL 33321
United States

CBSA: 33100-Miami-Fort Lauderdale-Miami Beach, FL

***** **COMMUNICATIONS** *****

TELEPHONE: (954) 722-6618

FAX: (954) 722-8316

URL: www.puroclean.com

E-MAIL: info@purosystems.com (General E-Mail)

OTHER NUMBERS: (800) 775-7876

***** **COMPANY IDENTIFIERS** *****

DCA NUMBER: 000825-000

***** **COMPANY INFORMATION** *****

FOUNDED: 1990

LEGAL STATUS: Private

ORGANIZATION TYPE: Parent

EMPLOYEES: 30

***** **EXECUTIVES** *****

Name	Title	Role
Veronica Paz	CFO	Chief Financial Officer
Monty Smith	VP-Trng	Personnel Training & Development Vice President

***** **DESCRIPTION** *****

INDUSTRY TYPE: Management Consulting Services

***** **MARKET AND INDUSTRY** *****

SIC CODES:

8742 - Management Consulting Services

***** **PRODUCTS** *****

BRAND NAME
PUROCLEAN

BUSINESS TYPE
Damage Remediation Franchise

***** FINANCIALS *****

Approximate Sales (Revenue):

\$8,700,000

LOAD-DATE: August 27, 2012

Robin Carnahan Secretary of State
2011-2012 BIENNIAL REGISTRATION REPORT
BUSINESS

File Number: 201115180595

00808826

Date Filed: 05/31/2011

Robin Carnahan

Secretary of State

☒ I ELECT TO FILE A BIENNIAL REGISTRATION REPORT

REPORT DUE BY: 07/31/2011

00808826

Ritchie Enterprises, Inc.

Ritchie II, Joseph

1514 Watson Road

Sullivan, MO 63080

RENEWAL MONTH:

April

☐ I OPT TO CHANGE THE CORPORATION'S
RENEWAL MONTH TO _____ FOR A \$25.00 FEE.

PRINCIPAL PLACE OF BUSINESS OR
CORPORATE HEADQUARTERS:

1514 Watson Road (Required)

STREET

Sullivan, MO

63080

CITY/STATE

ZIP

If changing the registered agent and/or registered office address, please check the appropriate box(es) and fill in the necessary information.

☐

The new registered agent

IF CHANGING THE REGISTERED AGENT, AN ORIGINAL WRITTEN CONSENT FROM THE NEW
REGISTERED AGENT MUST BE ATTACHED AND FILED WITH THIS REGISTRATION REPORT.

☐

The new registered office address

Must be a Missouri address, PO Box alone is not acceptable. This section is not applicable for Banks, Trusts and Foreign Insurance.

OFFICERS

NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT
ACCEPTABLE). (MUST LIST PRESIDENT AND SECRETARY BELOW)

PRES Joseph J Ritchie (Required)

STREET/RT 1514 Watson Road

CITY/STATE/ZIP Sullivan, MO 63080

V-PRES

STREET/RT

CITY/STATE/ZIP

SECY Joanna C Ritchie (Required)

STREET/RT 1514 Watson Road

CITY/STATE/ZIP Sullivan, MO 63080

TREAS

STREET/RT

CITY/STATE/ZIP

NAMES AND ADDRESSES OF ALL OTHER OFFICERS AND DIRECTORS ARE ATTACHED

BOARD OF DIRECTORS

NAME AND PHYSICAL ADDRESS (P.O. BOX ALONE NOT
ACCEPTABLE). (MUST LIST AT LEAST ONE DIRECTOR BELOW)

NAME Joseph J Ritchie (Required)

STREET/RT 1514 Watson Road

CITY/STATE/ZIP Sullivan, MO 63080

NAME Joanna C Ritchie

STREET/RT 1514 Watson Road

CITY/STATE/ZIP Sullivan, MO 63080

NAME

STREET/RT

CITY/STATE/ZIP

NAME

STREET/RT

CITY/STATE/ZIP

The undersigned understands that false statements made in this report are punishable for the crime of making a false
declaration under Section 575.060 RSMo. Photocopy or stamped signature not acceptable.

Authorized party or officer sign here

Joseph James Ritchie

(Required)

Please print name and title of signer:

Joseph James Ritchie

President

NAME

TITLE

REGISTRATION REPORT FEE IS:

____ \$40.00 If filed on or before 7/31

____ \$55.00 If filed on or before 8/31

____ \$70.00 If filed on or before 9/30

____ \$85.00 If filed on or before 10/31

ADD AN ADDITIONAL \$25.00 FEE IF CHANGING
THE RENEWAL MONTH.

WHEN THIS FORM IS ACCEPTED BY THE SECRETARY OF STATE,
BY LAW IT WILL BECOME A PUBLIC DOCUMENT AND ALL
INFORMATION PROVIDED IS SUBJECT TO PUBLIC DISCLOSURE

E-MAIL ADDRESS (OPTIONAL) _____

REQUIRED INFORMATION MUST BE COMPLETE OR THE REGISTRATION REPORT WILL BE REJECTED

MAKE CHECK PAYABLE TO DIRECTOR OF REVENUE

RETURN COMPLETED REGISTRATION REPORT AND PAYMENT TO: Secretary of State, P.O. Box 1366, Jefferson City, MO 65102

Missouri Secretary of State, Robin Carnahan

SOS Home :: Business Services :: Business Entity Search

Search

- ☐ By Business Name
- ☐ By Charter Number
- ☐ By Registered Agent
- ☐ For New Corporations
- Verify**
- ☐ Verify Certification
- Registration Report
- ☐ File Online
- File Fictitious Name
- Registration
- ☐ File Online
- ☐ Renew Online
- File LLC Registration
- ☐ File Online
- Online Orders
- ☐ Register for Online
- Orders
- ☐ Order Good Standing
- ☐ Order Certified Documents

Filed Documents

Date: 11/9/2012 (Click above to view filed documents that are available.)

Business Name History

Name	Name Type
Ritchie Enterprises, Inc.	Legal

General Business - Domestic - Information

Charter Number:	00808826
Status:	Good Standing
Entity Creation Date:	4/12/2007
State of Business.:	MO
Expiration Date:	Perpetual
Last Registration Report Filed Date:	5/31/2011
Last Registration Report Filed:	2012
Registration Report Month:	April

Registered Agent

Agent Name:	Ritchie II, Joseph
Office Address:	1514 Watson Road Sullivan MO 63080

Mailing Address:

Commissions	Corporations	UCC Office
Phone: (573) 751-2783	Phone: (573) 751-4153	Phone: (573) 751-4628
Toll Free: (866) 223-6535	Toll Free: (866) 223-6535	Toll Free: (866) 223-6535

600 West Main Street
Jefferson City, MO 65101
Main Office: (573) 751-4936



For Emergencies Call:
(573)468-8797

[About Us](#) | [Office Locator](#) | [Press Room](#) | [Careers](#) | [Blog](#)

[HOME](#) [YOUR LOCAL OFFICE](#) [SERVICES](#) [LARGE LOSS/CATASTROPHE](#) [CUSTOMER REVIEWS](#) [LEARNING CENTER](#)

Your Local PuroClean

[Our Home](#)
[Our Team](#)
[Customer Reviews](#)
[Our Events](#)
[Our Careers](#)
[Contact Us](#)

Call Us at: (573)468-8797

PuroClean Emergency Restoration Services
 1514 Watson Road
 Sullivan, MO 63080

jritchie@puomail.com

Servicing: Central Missouri

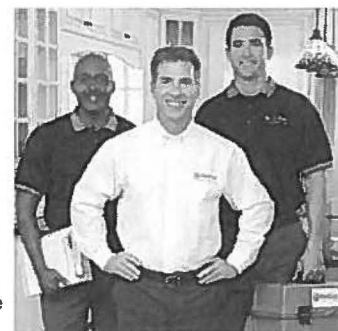


PuroClean Emergency Restoration Services

Welcome to PuroClean Emergency Restoration Services!

Coping with any kind of property loss can be devastating. It is an experience that affects families on both a material and emotional level with the loss of property as well as the loss of a sense of security and safety.

We understand that responding to property emergencies is more than restoring the damage. Behind every loss is a homeowner who needs consolation or a business owner who is struggling to minimize downtime.



Personalized Approach to Property Damage.

With nearly 20 years of experience in property mitigation and restoration, PuroClean Emergency Restoration Services has earned a reputation as "The Paramedics of Property Damage." We do more than clean up after a property disaster. In response to every emergency, we provide a combination of exceptional property mitigation services delivered with an equal degree of compassion. We help rescue homes. We put businesses back on their feet. We help you get back to your life.

PuroClean Emergency Restoration Services offers the following services:

- * Fire
- * Water
- * Mold
- * Biohazard
- * Specialty Services

Our Location



Water

Fire

Mold

Biohazard

Plumber, Real Estate Agent or Property Manager? Partner With Us!

CONTACT | ABOUT US | OFFICE LOCATOR | SITE MAP | PRIVACY POLICY | OWN A FRANCHISE | PARTNERSHIP PROGRAM
HOME | WATER | FIRE | MOLD | BIOHAZARD | INSURANCE PROFESSIONALS | FRANCHISE LOGIN | PURODRIVE LOG IN

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**American
Red Cross**

Disaster
Responder

Proud Sponsor of the American Red Cross
Disaster Responder Program



United States Environmental Protection Agency

This is to certify that



Guiant Services Corporation dba PuroClean Emergency Services

has fulfilled the requirements of the Toxic Substances Control Act (TSCA) Section 402, and has received certification to conduct lead-based paint renovation, repair, and painting activities pursuant to 40 CFR Part 745.89

In the Jurisdiction of:

All EPA Administered States, Tribes, and Territories

This certification is valid from the date of issuance and expires

April 19, 2015

NAT-24497-1

Certification #

April 05, 2010

Issued On



Michelle Price

Michelle Price, Chief

Lead, Heavy Metals, and Inorganics Branch

Standard Form for Headquarters Involvement in TSCA NSI Case

Date Region submitted: 3/25/2013

Date HQ received: _____

Date HQ concurrence/consultation complete: _____

Case name: Ritchie Enterprises d/b/a Puroclean Emergency Restoration Services

Location of facility: City New Haven, State MO, Region 7

Forum (check one):

☒ ALJ/RJO

☐ EAB

☐ District or Circuit Court (specify District/Circuit: _____)

Status of case (check all that apply):

☒ Pre-filing, in development

☐ Filed and pending

☐ Filed and stayed

☐ Filed and active

☐ Dispositive pleadings imminent

☐ Trial or hearing imminent

☐ Settlement negotiations ongoing

Bottom Line Penalty:

☐ \$500,000 or More

☒ Under \$500,000

Description of Primary Violations. Include narrative description of each violation, including particular law sections and regulations; Agency's position regarding each violation and factors considered in calculating the penalty for each count.

SEE ATTACHED

Description of Primary Violations continued:

Nationally significant issue(s) and Region's position/approach: Region's recommendation for OECA involvement/assistance:

- ☐ OECA AA Concurrence
- ☐ WCED DD Concurrence
- ☐ BC Consultation
- ☐ HQ Opt Out

Rationale for recommendation:

Regional contacts:

Office of Regional Counsel contact name: Raymond C. Bosch

Phone: 913-551-7501

Fax: _____

Regional Program Office contact name: Maria Morey

Phone: 913-551-7079

Fax: _____

Signature: _____

Jamie J. Lee
Appropriate Regional Manager

3/25/13

Date Signed

Level of Headquarters Involvement

****Appropriate HQ signature required before communications with respondent/defendant commence****

- ☐ OECA AA Concurrence
- ☐ WCED DD Concurrence
- ☐ BC Consultation
- ☐ HQ Opt Out (Concurrence/Consultation on this issue not necessary)

WCED Manager

Date Signed

Appropriate Regional Manager

Date Signed

Final Headquarters Concurrence/Consultation

☐ **AA Concurrence Complete:**

OECA AA

Date Signed

OR

☐ **DD Concurrence Complete:**

WCED Division Director

Date Signed

OR

☐ **Branch Chief Consultation Complete:**

CRREB Chief

Date Signed

TELEPHONE CONVERSATION RECORD

Date: 11/13/2012	Time: 1:22	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Name of Person Documenting Call: Tom Brick	WWPD/TOPE
Name of Caller (or person called): <div style="background-color: black; width: 100px; height: 1.2em; margin-bottom: 5px;"></div> <input checked="" type="checkbox"/> Incoming <input type="checkbox"/> Outgoing			Organization: (e.g., Respondent, Respondent's Attorney, County Health Department, State Agency) <div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div>	Telephone Number <div style="background-color: black; width: 100px; height: 1.2em; margin-top: 5px;"></div>
			Complainant	
Subject: Status of Contractor Inspection				
Summary: <div style="display: inline-block; width: 85%;"> <p> [REDACTED] called to inquire about the status of the inspection I conducted on Richie Enterprises d/b/a Puroclean Emergency Restoration Services, Sullivan, MO. I stated to [REDACTED] that I was not in the communications loop for case status. I also told [REDACTED] that until a case was finalized, the only information that would be available would be that it was still in process. I told [REDACTED] to feel free to call me from time to time, but until it was finalized no additional information would be available. </p> <p> I suggested to [REDACTED] that [REDACTED] could Google EPA Region 7, find the link to press releases and check there. [REDACTED] asked if I knew any environmental attorneys to which I replied that I did not, but that [REDACTED] might be able to find a listing through a Google search or contacting the St. Louis chapter of the American Bar Association to see if they had any referrals. I also let [REDACTED] know that [REDACTED] could file a Freedom of Information Act request to see if any information was available, but if the case was still in process, the FOIA request would not yield any results beyond the still in process status. [REDACTED] stated that [REDACTED] and [REDACTED] family were still not back in their home and that it was very frustrating for them. I sympathized with [REDACTED] situation and suggested [REDACTED] might want to try the EPA Enforcement Dockets web site, explained generally how that worked and gave [REDACTED] the URL. </p> </div>				
Follow up Action Required? (If so, describe)				
Name of Enforcement Case File in which record is to be filed: <div style="text-align: center; margin-top: 5px;">TB121520121</div>				

PII



PII

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

MAR 14 2012

Mr. Joseph Ritchie
Ritchie Enterprises, Inc.
d/b/a Puroclean Emergency Restoration Services
1514 Watson Road
Sullivan, Missouri 63080

Dear Mr. Ritchie:

RE: Residential Renovation Activities – Ritchie Enterprises, Inc. d/b/a Puroclean Emergency
Restoration Services
Facility ID #: 2600045263

On December 15, 2011, a representative of the U.S. Environmental Protection Agency inspected your site. The inspection was conducted under the authority of Section 11 of the Toxic Substances Control Act. A copy of the Inspection Report is enclosed for your information (without attachments).

The EPA is reviewing the findings of the report to determine your site's compliance with the applicable statutes and regulations, and these findings will be forwarded to you or the appropriate contact upon completion of our review.

If there are any questions regarding this report or actions that you may want to take, or if you would like to receive a copy of the report attachments, please contact me at (913) 551-7079, or by email at morey.maria@epa.gov.

Sincerely,

Maria Morey
Compliance Officer
Toxics and Pesticides Branch

Enclosure

cc: Chris Silva, Missouri Department of Health and Senior Services (with enclosure) (e-copy)



MAR 14 2012

Mr. Joseph Ritchie
Ritchie Enterprises, Inc.
d/b/a Puroclean Emergency Restoration Services
1514 Watson Road
Sullivan, Missouri 63080

PII

Dear Mr. Ritchie:

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Sincerely,

Maria Morey
Compliance Officer
Toxics and Pesticides Branch

Enclosure

cc: Chris Silva, Missouri Department of Health and Senior Services (with enclosure) (e-copy)

CONCURRENCE: H:\WWPD\TOPE_LBP Reading Files\INSP RPT TRANS LTR\2012 Correspondence\Ritchie Enterprises Inc., dba Puroclean Emergency Restoration Services - Ritchie, Joseph - Transmittal Letter - March142012 - SDK - 7848 - 3-14-12					
NAME	Morey				
DIV/BRANCH	WWPD/TOPE				
SIGN	<i>mm</i>				
DATE	<i>3/14/2012</i>				